

Crawley Borough Council

Governance Committee

Agenda for the **Governance Committee** which will be held in
Committee Rooms A & B - Town Hall, on **Monday, 10 October 2022**
at **7.00 pm**

Nightline Telephone No. 07881 500 227



Chief Executive

Membership:

Councillors

P K Lamb (Chair), J Bounds (Vice-Chair), R D Burrett, D Crow,
G S Jhans, M G Jones, Y Khan, R A Lanzer, T Lunnon, K McCarthy
and S Pritchard

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

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	5 - 8
To approve as a correct record the minutes of the Governance Committee held on 21 June 2022.	
4. Public Question Time	
To answer any questions asked by the public which relate to an item on this agenda and which are in line with the Council's Constitution.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
5. Implementation of the Elections Act 2022	
To receive a presentation from the Electoral Services Manager on the latest information regarding the implementation of the Elections Act 2022 following the Department for Levelling Up, Housing and Communities conference held in Birmingham on 12 September 2022.	
6. Polling Arrangements 2023: Schools	9 - 16
To consider report LDS/189 of the Head of Governance, People & Performance.	
7. Final Report of the Independent Remuneration Panel (Councillors' Allowances Scheme 2023/24 to 2026/27)	17 - 34
To consider report LDS/190 of the Chair of the Independent Remuneration Panel.	

	Pages
<p>8. Changes to the Constitution: Licensing Sub-Committee (Taxis) Functions</p> <p>To consider report LDS/191 of the Head of Governance, People & Performance.</p>	35 - 50
<p>9. Changes to the Constitution: Financial Approval Levels</p> <p>Section J of the Financial and Budget Procedure Rules in the Constitution currently references the financial approval levels for purchasing land and property for housing delivery. Approval levels for the acquisition of land and property for investment are currently included in the Head of Corporate Finance's Sub-Delegation Scheme but are not referenced in the Constitution. Several decisions relating to the acquisition of land and property for temporary accommodation have been taken by Cabinet with those decisions being taken by the Head of Strategic Housing in agreement with the Head of Corporate Finance and in consultation with the relevant Cabinet Member and Leader.</p> <p>For completeness and consistency, it is suggested that Section J of the Financial and Budget Procedure Rules be amended to include decision routes for all three types of acquisition. The proposed changes are set out in report LDS/192 of the Head of Governance, People & Performance.</p> <p>RECOMMENDATION</p> <p>That the Full Council be recommended to approve the changes to Section J of the Financial and Budget Procedure Rules set out in the Constitution as detailed in report LDS/192.</p>	51 - 54
<p>10. Supplemental Agenda</p> <p>Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.</p>	

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Crawley Borough Council

Minutes of Governance Committee

Tuesday, 21 June 2022 at 7.00 pm

Councillors Present:

P K Lamb (Chair)

J Bounds (Vice-Chair)

R D Burrett, D Crow, M G Jones, G S Jhans, Y Khan, R A Lanzer, T Lunnon, K McCarthy and S Pritchard

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Mez Matthews Democratic Services Officer

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Governance Committee held on 21 March 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked by the public.

4. Annual Governance Statement 2021-2022

The Committee considered report [LDS/183](#) of the Head of Governance, People and Performance which requested that the Committee provide any comments on the Annual Governance Statement ("the Statement") and Governance Action Plan ("the Plan") for incorporation into the final versions which would be considered at a future meeting of the Audit Committee. It was brought to the Committee's attention that the Statement for 2021/22 concluded that there were no significant governance issues to report.

During its consideration of both the Statement and the Plan the Committee raised several comments and queries. In response to those matters the Committee was provided with the following information:

- Given the retirement of the Audit and Risk Manager, the independent opinion on the overall adequacy of the effectiveness of the Council's governance, risk and control framework for 2021/22 had been provided by the Head of Legal,

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Governance and HR (now retitled the Head of Governance, People & Performance).

- Due to a new Leader of the Council recently being elected, it was likely that the current (rather than the previous) Leader would sign the Statement for 2021/22.
- Although succession planning was in place within the Council, it was likely that the pandemic had led Audit staff to evaluate their retirement plans earlier than expected which had resulted in members of the Audit team retiring within a shorter timeframe than envisaged.
- The Corporate Management Team regularly considered data and trends regarding complaints. The Head of Governance, People & Performance agreed to look into whether key information regarding the nature and level of complaints could be shared with others (beyond the Leader and relevant Cabinet Member) e.g. Leader of the Opposition, Shadow Cabinet Member.
- Strategic Risk for 2021/22 had been recorded in narrative format however, future risks would be given a 1-5 score. This approach mirrored common practice in terms of risk monitoring.

The Committee expressed its support for both the Statement and the Plan and, in particular, it was pleased that the format and wording of the Statement had been improved from that of previous years. With regard to the Crawley Homes rent issue (an example used to demonstrate Principle 7 Accountability), the Committee expressed the view that the Council had dealt with the issue in an open, transparent and effective manner.

RESOLVED

That the comments made by the Committee be taken into consideration, and that the final versions of the Annual Governance Statement and Governance Action Plan be put before a future meeting of the Audit Committee for its endorsement.

5. Review of Public Written Questions at the Full Council and Public Question Time at Committees

When the “New” Constitution was considered by the Governance Committee and the Full Council in early 2020 it was agreed that the introduction of a provision for public written questions at Full Council and the provision for Public Question Time at Audit Committee, Governance Committee and Licensing Committee be trialled for one year with an evaluation report being submitted to a Governance Committee in 2021. However, when the Covid-19 pandemic hit in 2020 all formal meetings of the Council were held virtually and the Governance Committee therefore subsequently agreed that the trial period be extended by a year.

The Committee considered the details relating to the use of the provisions since their introduction which were set out in report [LDS/182](#) of the Head of Governance, People & Performance. The Committee was of the view that, as the provision for public written questions at Full Council had only been used once and no questions had been asked during Public Question Time at Audit Committee, Governance Committee and Licensing Committee, the provisions had not been abused and therefore no change to those provisions should be made.

Several Committee members commented that they were unsure how aware the public was about the provisions available to them regarding public involvement in formal meetings of the Council.

RESOLVED

That no change to the current provisions for public written questions at the Full Council or Public Question Time at the Audit Committee, Governance Committee and Licensing Committee be made.

6. Extension to the Current Councillors' Allowance Scheme

Historically the effective dates of the Councillors' Allowances Scheme ran from 1 April to 31 March. Officers considered that it would be more efficient and easier to manage if the Scheme were instead aligned with the Council's municipal year.

Following discussion with the members of the Independent Remuneration Panel the Committee was requested to consider extending the current Scheme (due to end on 31 March 2023) so it ceased on the day of the next Annual Meeting of the Full Council (currently scheduled for 26 May 2023). The Committee noted that, at this stage, it was only being requested to consider an extension to the current Scheme and a report of the Independent Remuneration Panel would be brought to a future meeting of the Committee.

The Committee considered the proposal, with the majority of its members holding the view that aligning the Scheme with the Council's municipal year would be both more practical and efficient, as well as eliminating the possibility of Councillors having a conflict of interests when considering the level of allowance proposed by the Independent Remuneration Panel.

At the request of the Chair, it was noted that Councillor Lunnon abstained from voting on the matter.

RECOMMENDATION

That the Full Council be recommended to agree an extension the current Councillors' Allowances Scheme, so it ceases on the day of the next Annual Meeting of the Full Council (currently scheduled to take place on 26 May 2023).

7. Date of the Committee Meeting

An important Electoral Commission information session had been arranged for 12 September 2022. That date clashed with the next scheduled meeting of the Governance Committee. The Committee noted that the Committee Chairs for both the Governance Committee and Licensing Committee had therefore agreed to amend the dates of their next scheduled meetings as follows:

- Governance Committee moved from 12 September 2022 to 19 September 2022.
- Licensing Committee moved from 19 September 2022 to 12 September 2022.

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Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 7.55 pm

P K Lamb (Chair)

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Crawley Borough Council

Report to Governance Committee

Monday 10 October 2022

Polling Arrangements 2023: Schools

Report of the Head of Governance, People & Performance – LDS/189

1. Purpose

- 1.1. To consider the outcome of the temporary changes to the Scheme of Polling Places relating to schools made for the May 2022 Borough Council elections, and to consider whether to extend these for the elections in 2023. To designate Forge Wood Community Centre as the polling place for Forge Wood.

2. Recommendations

- 2.1 That the Committee recommend to the Full Council that the Forge Wood Community Centre be the designated polling place for polling district LJC.
- 2.2 To consider whether to recommend to the Full Council that the temporary changes made to the Polling Scheme relating to polling districts as set out in paragraph 5.2 continue for the 2023 elections.

3. Reasons for the Recommendations

- 3.1. To ensure that the Polling Scheme for Crawley is up to date.

4. Background

- 4.1. The Council has a duty to divide the Borough into polling districts, and to designate suitable polling places to meet the reasonable requirements of electors whilst taking account of the accessibility of disabled persons. The Polling Scheme should be reviewed as appropriate and there is a regular statutory review every five years. The next statutory review must take place by 2024.
- 4.2. The current Scheme was adopted by the Council in January 2019 following ward boundary changes arising from the Local Government Boundary Commission for England electoral review of Crawley Borough Council. Polling districts were created which reflected the new Borough wards and West Sussex County Council Division boundaries. The Polling Scheme worked well at the three sets of elections held in 2019.

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5. Information & Analysis Supporting Recommendation

- 5.1. As a response to the challenges presented by holding elections in the Covid pandemic, a number of temporary changes were made to the Polling Scheme for the elections held in [2021](#) and [2022](#). These changes included ensuring that the three primary schools in the Polling Scheme were not used as polling stations in May. This was in recognition of the severe disruption they had faced due to the pandemic and to avoid causing further disruption. A further report relating in to polling for LMD at the Town Hall and LMC at Holiday Inn Express will be submitted to the Committee for consideration at the next meeting.
- 5.2. The temporary changes relating to schools approved by the Full Council for the May 2022 elections were:

Polling District	Ward	Normal Polling Place	May 2021 Polling Place
LFB	Ifield Ward	The Mill Primary School	Ifield Community Centre
LFD	Ifield Ward	The Mill Primary School	Ifield West Community Centre
LHB	Maidenbower Ward	The Brook School	Maidenbower Community Centre
LJC	Pound Hill North & Forge Wood Ward	Forge Wood Primary School	Wakehams Green Community Centre

- 5.3. The table below shows a comparison between the turnout for the polling districts in May 2022 compared to May 2019 and the 2021 combined Police and Crime Commissioner, West Sussex County Council and Borough elections. The closest point of comparison is between the 2019 and the 2022 elections as the turnout across the Borough was similar. The overall turnout in May 2019 was 31.6%, in May 2021 36.3%, and in May 2022 it was 31.7%. The table below shows that the temporary changes maintained, or bettered turnout for these polling districts. The turnout for polling districts across the borough is shown on the table set out in Appendix A.

Polling District	2019 Polling Place	2021 and 2022 Polling Place	May 2022	May 2021	May 2019
LFB	The Mill Primary School	Ifield Community Centre	39.1%	44.3%	35.0%
LFD	The Mill Primary School	Ifield West Community Centre	37.8%	40.7%	37.3%
LHB	The Brook School	Maidenbower Community Centre	31.4%	34.7%	27.1%
LJC	Forge Wood Primary School	Wakehams Green Community Centre	19.7%	26.7%	19.6%
Borough Turnout			31.7%	36.3%	31.6%

- 5.4. Forge Wood Primary School was designated as the polling place for Forge Wood polling district (LJC) in the Polling Scheme adopted in 2019 as the community facilities for the neighbourhood were not under development at that stage. The new Forge Wood Community Centre is now nearing completion and will be available to use for the elections in 2023. The new building will offer good polling facilities and is well located at a site next to the Primary School. It is therefore recommended that the permanent polling place for LJC is designated as the Forge Wood Community Centre. A map showing the location of the new building is shown at Appendix B.
- 5.5. The Committee is recommended to consider whether to extend the temporary polling station changes relating to the remaining two schools for the 2023 elections.

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- 5.6. Experience at the last 2 sets of elections has shown that providing alternative polling places has not negatively impacted turnout. Extending these changes would avoid disrupting these schools in 2023. Due to the layout of the building, the Head Teacher at the Brook School considers that the school would need to close in order to enable polling to take place. The Mill Primary school has been able to remain open on polling day at most elections in the past, but inevitably adaptation is needed which would affect the running of the school.
- 5.7. A full statutory review of polling places is due to commence in Autumn 2023 which will enable the Committee to consider polling station provision across the Borough and develop a new Polling Scheme for future elections.

6. Implications

- 6.1. The creation or removal of polling districts and provision of additional polling places has financial implications in terms of the cost of staffing polling places, the delivery and collection of equipment and the hire of premises.
- 6.2. The Council has a statutory duty under the Representation of the People Act 1983 to divide the Borough into polling districts, to designate a polling place for each district and to keep both polling districts and polling places under review, providing reasonable access to polling stations for all including those with disabilities.

7. Background Papers

[Local Government Boundary Commission for England Final Recommendations for Crawley Borough Council](#)

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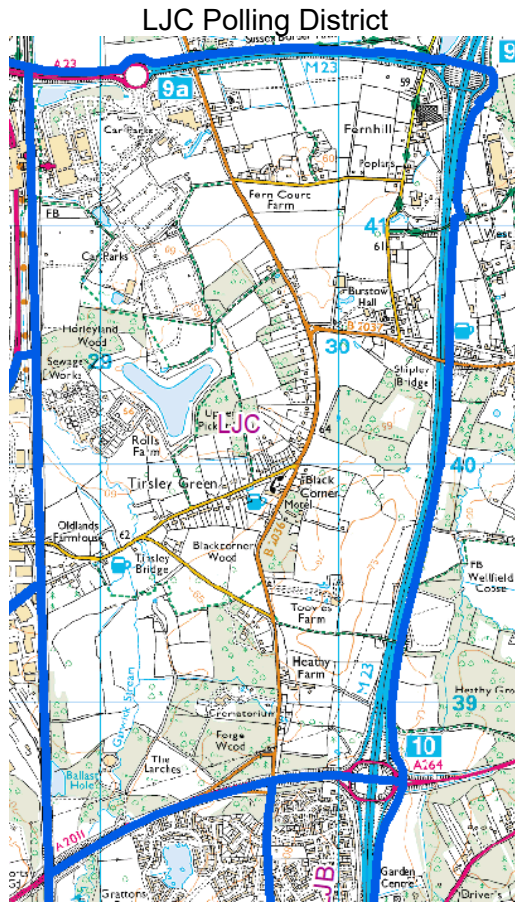
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Turnout for Polling Districts Across the Borough

Ward	Polling District	2022 Polling Place	2019 polling scheme	2022 - 2019 change	% Turnout		
					2022	2021	2019
Bewbush & North Broadfield	LAA	Bewbush Centre	Bewbush Centre	1.78	25.69	29.9	23.9
	LAB	Broadfield Scout Hut	Broadfield Scout Hut	-3.93	24.27	33.0	28.2
	LAC	Bewbush Centre	Bewbush Centre	created 2021	10.64	23.8	
Broadfield	LBA	Broadfield Community Centre	Broadfield Community Centre	1.28	26.40	30.9	25.1
	LBB	Creasys Drive	Creasys Drive	2.00	25.74	30.8	23.7
Furnace Green	LD	Furnace Green Community Centre	Furnace Green Community Centre	-6.21	39.89	42.7	46.1
Gossops Green & North East Broadfield	LEA	Gossops Green Community Centre	Gossops Green Community Centre	No election		41.0	33.2
	LEB	Gossops Green Community Centre	Gossops Green Community Centre	No election		49.6	33.4
Ifield	LFA	Ifield Community Centre	Ifield Community Centre	1.01	34.16	37.0	33.1
	LFB	Ifield Community Centre	Ifield Community Centre	4.08	39.11	44.3	35.0
	LFC	Ifield West Community Centre	Ifield West Community Centre	2.65	32.08	34.7	29.4
	LFD	Ifield West Community Centre	Ifield West Community Centre	0.46	37.75	40.7	37.3
Langley Green & Tushmore	LGA	Langley Green Centre	Langley Green Centre	-2.77	26.44	35.9	29.2
	LGB	Northgate Community Centre	Northgate Community Centre	4.13	26.72	30.3	22.6
Maidenbower	LHA	Maidenbower Community Centre	Maidenbower Community Centre	6.19	36.95	38.5	30.8
	LHB	Maidenbower Community Centre	Maidenbower Community Centre	4.26	31.35	34.7	27.1
Northgate & West Green	LIA	Northgate Community Centre	Northgate Community Centre	-3.96	30.58	36.0	34.5
	LIB	The Charis Centre	The Charis Centre	-5.08	26.22	33.1	31.3
Pound Hill North & Forge Wood	LJA	The Grattons Indoors Bowls Club	The Grattons Indoors Bowls Club	0.25	36.89	42.5	36.6
	LJB	Wakehams Green Community Centre	Wakehams Green Community Centre	0.93	30.26	34.9	29.3
	LJC	Wakehams Green Community Centre	Wakehams Green Community Centre	0.09	19.72	26.7	19.6
Pound Hill South & Worth	LKA	Pound Hill Community Centre	Pound Hill Community Centre	-1.14	30.97	38.5	32.1
	LKB	St Edward the Confessor	St Edward the Confessor	3.26	35.20	38.0	31.9
	LKC	St Edward the Confessor	St Edward the Confessor	5.25	43.32	45.1	38.1
Southgate	LLA	St Mary's Church Hall	St Mary's Church Hall	3.82	37.34	38.1	33.5
	LLB	Southgate West Community Centre	Southgate West Community Centre	1.23	37.94	40.7	36.7
	LLC	Southgate West Community Centre	Southgate West Community Centre	-1.67	29.58	34.9	31.3
Three Bridges	LMA	Montefiore Institute	Montefiore Institute	1.90	38.44	42.7	36.5
	LMB	Three Bridges Community Centre	Three Bridges Community Centre	3.75	42.35	48.9	38.6
	LMC	The Hawth	Holiday Inn Express	5.61	26.08	28.4	20.5
	LMD	Town Hall	Town Hall	8.80	26.35	21.0	17.6
Tilgate	LNA	Tilgate Community Centre	Tilgate Community Centre	-1.41	36.07	36.6	37.5
	LNB	Holy Trinity Church Hall	Holy Trinity Church Hall	-2.43	35.21	37.3	37.6

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LJC New Polling Place Location



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Crawley Borough Council

Report to Governance Committee

19 September 2022

Final Report of the Independent Remuneration Panel (Councillors' Allowances Scheme 2023/24 to 2026/27)

Report of the Chair of the Independent Remuneration Panel – **LDS/190**

1. Purpose

- 1.1. The Council is required to adopt a scheme of allowances that sets out the remuneration payable to its councillors.
- 1.2. The Local Authorities (Members' Allowances) (England) Regulations (as amended) require the Council to appoint an independent remuneration panel (IRP) to review the Councillors' Allowances Scheme, and to have regard to the recommendations of the IRP.
- 1.3. An IRP was formed in May 2022 and has concluded its review. Details of the considerations and subsequent recommendations are set out in the final report, attached as appendix A. The draft Councillors' Allowance Scheme for 2023/24 is attached as appendix B.

2. Recommendations

The Governance Committee is requested to:

- a) Consider the final report of the Independent Remuneration Panel and the recommendations as set out in section 4 of **Appendix A**, and the draft Councillors' Allowances Scheme for 2023/24 to 2026/27 (**Appendix B**), and decide what changes, if any, it wishes to make.
- b) Recommend that the Full Council approves the Councillors' Allowances Scheme for 2023/24 to 2026/27.

3. Reasons for the Recommendations

- 3.1. The IRP is an independent body that has given detailed and thoughtful deliberation to a range of information throughout the process. It is required by law that due consideration be given to the IRP's recommendations.

4. Background

- 4.1 On [24 February 2021](#), the Full Council approved the Councillors' Allowances Scheme for 2021/22 and 2022/23. The IRP recommended that the Scheme be in

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place for a cycle of two financial years before being subject to review by another IRP (rather than the previous four year cycle).

- 4.2 On [21 March 2022](#), the Governance Committee noted that the IRP was due to begin a review of councillors' allowances for 2023/24 onwards. The Committee requested that the IRP consider the Mayor's and Deputy Mayor's allowances as part of the review.
- 4.3 On [21 June 2022](#), the Governance Committee considered an alteration to the dates of the Councillors' Allowances Scheme to align with the upcoming municipal year, rather than the financial year, for efficiency and simplicity. It was recommended to the Full Council that the Scheme due to end on 31 March 2023 be extended to end on 26 May 2023. This was agreed by the Full Council on 20 July 2022.

5. Overview of the Final Report of the IRP

- 5.1. The IRP met four times between June and August 2022. The recommendations were finalised upon deciding that no further information was required to inform considerations.
- 5.2. The final report of the IRP is attached as appendix A. The report sets out:
 - a) The membership of the IRP
 - b) Key elements of the relevant legislation
 - c) The information used to inform the IRP's recommendations
 - d) A summary of the discussions had and the key points raised at each meeting
 - e) The IRP's final recommendations.

6. Implications

- 6.1. Financial: if the recommendations are agreed, the annual increase via indexation will need to be financed. The Section 151 Officer has been made aware of this recommendation.
- 6.2. Legal: the Council must have regard to the recommendations set out by the Independent Remuneration Panel as per The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).

7. Background Papers

[The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003](#)

Report author and contact officer:

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On behalf of the members of the Independent Remuneration Panel

Councillors' Allowances Scheme for 2023/24 - 2026/27: Report of the Independent Remuneration Panel

1. Introduction

- 1.1. The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended), require that a local authority:
 - Appoints an independent remuneration panel (IRP) of at least three members to review the Councillors' Allowances Scheme; and
 - Has regard to the recommendations made by the IRP.
- 1.2 The current Allowances Scheme is due to expire on 26 May 2023. A new Scheme is to be approved by the Full Council to be implemented for the 2023/24 municipal year onwards.
- 1.2 The IRP has concluded its considerations of the allowance rates. This report sets out the recommendations for the Allowances Scheme for the municipal years 2023/24, 2024/25, 2025/26, and 2026/27.

2. Background

- 2.1 Members of the IRP were as follows:
 - Philip Brown, Director of Policy and External Affairs, B&CE
 - Michelle Leach, Chair of Governors, Holy Trinity School
 - Steve Turner, Crawley Prevention Police Inspector, Sussex Police.
- 2.2 The Regulations require that the IRP produces a report that makes recommendations:
 - (a) as to the responsibilities or duties in respect of which the following should be available—
 - (i) special responsibility allowance (SRA);
 - (ii) travelling and subsistence allowance; and
 - (iii) co-optees' allowance;
 - (b) as to the amount of such allowances and as to the amount of basic allowance;
 - (c) as to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;
 - (d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6);
 - (e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;
 - (f) as to which members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972; and
 - (g) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.
- 2.3 It should be noted that points (f) and (g) are no longer relevant as councillors have, since 2014, been excluded from the Local Government Pension Scheme.

- 2.4 Consideration of the Mayor's and Deputy Mayor's allowances by an IRP is not a statutory requirement, but was previously requested by the Governance Committee.

3. Summary of the IRP's Discussions

Meeting One – 13 June 2022

- 3.1 Prior to the first meeting, IRP members were sent a detailed introductory report which set out the relevant legislation, information on how the Council operates, a summary of decision-making processes and councillors' roles, the final report of the 2020 IRP, the current Allowances Scheme, and South East Employers' 2021 allowances survey.
- 3.2 The above report was discussed at the meeting, along with a presentation by officers that gave further information about the Council's decision-making structure and the responsibilities of councillors. Officers also summarised the procedure of the IRP.
- 3.3 The IRP discussed the recommendations made in 2020 – it was noted that all allowances had been frozen and had not been linked to any indexation. The only significant changes made were the reduction in the Mayor's and Deputy Mayor's allowances. The reasoning behind these changes was discussed and officers highlighted that councillors had since voiced a variety of opinions on the mayoral allowance – the IRP agreed to seek opinions/evidence from previous mayors to inform this year's recommendations.
- 3.4 It was explained that presently the timescale of the Allowances Scheme aligned with financial years rather than municipal years. In conversation with officers, it was queried whether this caused complications when councillors' special responsibility allowances were changed at the Annual Meeting of the Council. It was proposed that the current Allowances Scheme be extended to end on 26 May 2023 (the day of the Annual Meeting) and the next Scheme begin the following day. This would ensure that councillors receive one rate of allowance throughout the entire municipal year based on the roles allocated to them at the Annual Meeting; streamlining the process and reducing staff time used to process changes to the allowance rates. This was approved for the 2022/23 Scheme at the Governance Committee meeting on 21 June 2022 and the Full Council meeting on 20 July 2022. Upon further discussion, the IRP agreed to recommend that these timescales also be applied further into the future.
- 3.5 The IRP discussed the consultation held with councillors as part of the 2020 review. It was decided that informal conversations with councillors in a range of roles would provide an enhanced version of the previous consultation and would be beneficial. A list of interviewees and a set of conversation questions were drafted and agreed.

Meeting Two – 30 June 2022

- 3.6 Several interviewees were invited to talk to the IRP and spoke to their experiences in their various roles:
- Councillor Peter Lamb (previous Leader of the Council/committee chair)
 - Former Councillor Carlos Castro (previous Mayor)
 - Councillor Kim Jaggard (previous committee chair)
 - Councillor Ian Irvine (Cabinet Member/committee chair)
 - Councillor Zak Ali (could not attend).

3.7 Written responses to the IRP's questions were provided by the following Mayors:

- Councillor Jilly Hart
- Former Councillor Morgan Flack
- Former Councillor Brian Quinn
- Councillor Brenda Burgess
- Councillor Chris Mullins.

Other individuals were approached but did not respond.

3.8 The IRP considered it important to attain as wide a perspective as possible (particularly regarding the mayoral allowances), hence requests for participation being sent to a range of individuals.

3.9 A sample of the questions asked are set out below (these varied depending on the individual and the SRA held).

- Does the basic allowance you receive cover the expenditure relating to your duties as a councillor? Does it also remunerate you for the work you undertake?
- Do you agree with the idea that a proportion of a councillor's work should be considered voluntary?
- Do you believe that allowances should be increased annually in line with officers' pay?
- What Special Responsibility Allowance roles do you hold/have you held?
- Does/did your SRA reflect the extra work you do in relation to your special responsibility duties? How does this workload compare to your workload as a ward councillor?
- Are there any particular SRAs that should be higher/lower than others?
- Did the allowance you received as Mayor cover all expenses relating to the role? Was it sufficient to remunerate you for the time you gave?
- Do you have any opinions on the cut made to the Mayor's allowance in 2020? Would the new amount have dissuaded you from taking on the role?

3.10 A summary of the responses are provided below. There was a consensus of opinion between interviewees on the following:

- The basic allowance does cover the costs of the role
- The suitability of the allowance depends on how much work a councillor puts in – difficult to assess whether it remunerates for the time given to the role
- Party politics takes up a large amount of time but is a separate duty
- Councillors' workloads have grown over the years especially during/since the pandemic e.g. greater demand from the public, more external partnerships etc
- Part of a councillor's work should be considered voluntary as it is a public service
- Allowances should be linked to the annual officers' pay increase
- It is suitable to hold an IRP review every four years and not more regularly
- The Mayor's workload is large with high community value/involvement. The allowance should reflect this
- Most Mayors interviewed reported that their budget had been tight but the allowance they received had at least covered their expenses. The allowance had since been lowered but the costs and workload had decreased
- The 2020 reduction to the Mayor's allowance had been surprising.

3.11 The opinions of interviewees were disparate on the following:

- Although there was general agreement that it was difficult to quantify whether the basic allowance remunerated for the time given to the role, some concluded that it did compensate for a significant portion of the time involved and others concluded that it did not compensate for the time involved at all
- Some believed that it was unfeasible to maintain a full-time job and be a councillor; others commented that doing both was achievable
- Some believed that it was problematic to compare allowances to neighbouring councils due to differences in demographics; others believed that comparisons were a good tool
- One interviewee commented that committee chairs' allowances could be lowered considering the amount of work they undertake
- One interviewee commented that Committee vice-chairs allowances' could be reintroduced based on the amount of work they undertake.
- Some commented that the Mayor works for the community and the role is to benefit residents and therefore it was not appropriate for the Mayor to be fully remunerated for their time; others believed that the current allowance should be increased as it was not sufficient to remunerate for the time involved
- The 2020 reduction in the Mayor's allowance would dissuade some from undertaking the role again; it would not dissuade others
- Some reported that it was not possible to have a full-time job as the Mayor; others had undertaken both
- Some believed that the reduction had devalued the role of the Mayor.

3.12 IRP members agreed that the discussions had been insightful. Their key conclusions were as follows:

- Personal context was key as to whether the allowances were appropriate/sufficient – there was significant disparity between individuals' views with some taking opposite stances. It was therefore hard to implement a catch-all approach.
- It was recognised that many felt that the time commitment of being a councillor was larger than they expected. However it was agreed that the allowances should not necessarily compensate councillors in full for all the time that they give due to the public service nature of the role, which was not a job (nor was the allowance a salary).
- A notable portion of a councillor's work is related to party politics, which is a separate matter and should not be covered by the remuneration, however it was recognised that it was hard to differentiate this work from the work in the role of a councillor.
- Several interviewees mentioned the Council's financial position. Following an offer by officers for further information, the IRP agreed that it did not want to take into account details of the Council's budget. The recommendations on the allowances were to be made independently of this information.
- There was a significant disparity of opinion regarding the Mayor's allowance. The role had shifted in recent years and this made it difficult to compare the comments made – it was suggested that the opinions of recent Mayors were more likely to give an accurate picture of the role at present
- The conflicting views had made it unclear as to which mayoral costs were covered by the allowance and which were covered by the civic budget. There were particular concerns about comments made about the costs of entertaining.

Meeting Three – 18 July 2022

- 3.13 The IRP discussed the basic allowance and agreed on the importance of maintaining a rate that was reasonable. According to the 2021 SEE Survey, Crawley's basic allowance (£6,617) was higher than the average district/borough council allowance (£5,445). It was also in the top fifth of basic allowances reported. This suggested that the figure was in the right ballpark and that there was no need for the allowance to be increased based on a need to 'catch up' with the rates paid by others.
- 3.14 This reflected the feedback provided during the conversations with councillors – none had expressed extremes of opinion that the basic allowance was significantly too low or too high. Some had stated that the allowance did not remunerate them in full for the time they gave to the role, but all had agreed that a proportion of a councillor's role/workload should be voluntary. Many had also agreed that the allowance covered the expenses of the role. The IRP therefore concluded that, on balance, the current rate was likely to be appropriate for the majority of councillors and there was no justification to increase or decrease it.
- 3.15 Similarly, the IRP discussed the SRA rates and highlighted that there had been no evidence throughout its considerations that any one SRA was significantly too low or too high. IRP members were reminded of the role profiles detailed at the first meeting and agreed that their attention had not been drawn to any specific SRA as offering a disproportionate level of allowance. A small number of opinions had been given regarding the various committee chair and vice-chair allowances but as there had been no broad consensus, it was agreed that it would not be justifiable to alter some SRA rates and not others.
- 3.16 It was noted, however, that the proposed freeze on the basic allowance and SRAs should be balanced with the re-introduction of an annual indexation/increase.
- 3.17 The IRP discussed the previously-used indexation of the annual NJC officers' pay increase. The Head of Corporate Finance was consulted, and it was highlighted that (at the time of the meeting), the offer presented to the unions by National Employers was a figure, in pounds, by which all officers' salaries were proposed to be increased (£1,925) rather than a percentage. The IRP agreed that a percentage would have been easier to apply to councillors' allowances and that it was not suitable to increase every councillor's allowance by the proposed £1,925. Various other mechanisms by which to index the allowances were discussed, none of which were deemed fully appropriate:
- CPI/RPI
 - An average of the proposed officers' increase across all salary scales, as a percentage
 - An average of previous years' officers' increases.
- 3.18 In determining an indexation, it was important to the IRP to recognise that councillors were not exempt from the effects of the rising cost of living. This should be balanced with a desire to protect the public purse. It was also recognised that in the past, occasionally, the officers' pay increase had not been agreed by the beginning of the following financial year.
- 3.19 Further discussion led the IRP to conclude that the allowances should be subject to indexation by the annual officers' pay increase (for the previous year), unless:
- 1) the officers' pay increase is not agreed before the beginning of the forthcoming

municipal year, or

II) the officers' pay increase is a figure rather than a percentage, or

III) the officers' pay increase is a percentage which is higher than the amount by which the Council's fees and charges are to increase in the forthcoming financial year; and in any of these cases the percentage by which fees and charges will be increasing in the forthcoming financial year will instead be applied to the allowances. Therefore, in any given year that the new Allowances Scheme applies to, either the previous year's officers' pay increase or the aligning year's fees and charges increase was proposed to be used.

Meeting Four – 11 August 2022

- 3.20 The IRP considered the mayoral allowances and recalled that both allowances had been significantly decreased as part of the last review. Members agreed that they were now seeking evidence to demonstrate whether this reduction had been fitting – if any information suggested otherwise, the IRP would be willing to recommend an increase. It was noted that councillors had since voiced various opinions on the reduction and IRP members strove to take all relevant points into account.
- 3.21 The IRP re-evaluated the comments (both written and verbal) made at the second meeting and concluded that the discrepancies in opinion made it difficult to draw conclusions. In particular, concerns were raised about some expectations of the usage of the Mayor's allowance. Supplementary information was therefore requested.
- 3.22 The Members' and Mayoral PA was invited to speak to the IRP to offer a different perspective of the Mayor's expenditure. It was clarified that the civic budget covered all expenses for a Mayor's four annual formal events, as well as smaller expenditure on behalf of the Council (a recent example was the sending of flowers to the spouse of a previous councillor who had passed away). Meanwhile, the allowance covered the cost of entertaining guests which was not met by the civic budget, as well as tickets to, and expenditure at, other events to which the Mayor had been invited (e.g. raffle tickets, donations). The allowance could also be used for personal reasons such as purchasing formal clothing for events, if required. Historically a Mayor would also fund catering for receptions after Full Council meetings out of their allowance, however this no longer took place. It was heard that the number of events a Mayor is expected to attend has decreased in recent years and the role has changed in light of this. It remained a significant honour to carry out the role of Mayor and the time commitment, although lesser, was still notable – they sometimes attended events on weekends and used personal time to prepare for upcoming events, e.g. writing speeches.
- 3.23 The IRP examined the Mayor's Service Level Agreement. This was considered a useful tool for gauging the responsibilities of the Mayor and understanding the expectations placed upon them. It was agreed that, if necessary, the SLA should be updated following the IRP review to ensure the document was up-to-date and in line with the IRP's recommendations.
- 3.24 The most recent SEE survey (2021) was then considered. The average Mayor's allowance for all district/borough councils (with the removal of £0 entries) was £4,565. In 2019 the average was £6,361. This pointed to a trend of mayoral allowances decreasing across the region (even when accounting for the skew caused by the reduction in Crawley's allowance). The IRP considered the possibility of further lowering the allowance to once again bring it in line with the regional average.

- 3.25 It was highlighted that Reigate and Banstead Borough Council had recently published an IRP report which had recommended a reduction in its Mayor's allowance for 2021/22, from £15,854 to £5,700. The Deputy Mayor's allowance had been removed.
- 3.26 New Forest District Council had also recently published an IRP report which had recommended the Chair's/Mayor's allowance be reduced from £9,200 to £8,712. The allowance remained the highest paid by a district/borough council in the South East.
- 3.27 The IRP calculated that at the current rate Crawley's Mayor received approximately £530 per month (before tax). In light of the evidence heard regarding the Mayor's expenditure, this was considered to be a sufficient amount to cover the expenses related to the role and to allow some excess to be spent as per the Mayor's choosing.
- 3.28 IRP members discussed the Mayor's transport and its cost. It was clarified that it was not necessary for the Mayor to use their allowance for travel as they are able to claim travel expenses (public transport and fuel) at the same rate as all other councillors. The IRP felt it important to highlight that the previous decision to cease the operation of the Mayor's car and the chauffeur service was not made by the previous IRP, but was made by the Full Council in light of the retirement of the chauffeur and the increasing costs of running an ageing vehicle. The IRP had been informed of these changes at its previous review but this had had no impact on the decision to reduce the mayoral allowances. Former Mayors' comments made during this review about the car and chauffeur were therefore irrelevant as this was not part of the IRP's remit.
- 3.29 The IRP agreed that not only had the previous cut to the Mayor's allowance been suitable at the time (considering the context of the Coronavirus pandemic and the uncertain circumstances), but that no evidence had since showed that the Mayor's capacity to undertake their role had been harmed by the reduction. After examination of the above information, it was deemed appropriate that the allowance be upheld at the current rate. It was also agreed that the Mayor's SLA should more clearly set out the Mayor's finances and how these should be spent (i.e. which expenses should come from the civic budget and which should come from the allowance).
- 3.30 The Deputy Mayor's allowance was also considered. Officers explained that, recently, there had been two occasions in which the Mayor had departed their post mid-way through the year. In this situation the responsibilities of the Mayor fell to the Deputy Mayor – however the Deputy remained the Deputy, acting as Mayor. The Allowances Scheme did not give provision for the Deputy to receive the Mayor's allowance and so they continued to receive the Deputy's allowance. The IRP had been requested to investigate this, and after obtaining one Deputy's experiences of this situation, it was agreed that it was appropriate for a Deputy to receive the Mayor's allowance (pro-rata) when acting as Mayor/the Mayor's seat becomes vacant. Otherwise, upon consideration of other information, it was appropriate that the Deputy Mayor's allowance be retained at its current rate of approximately 15% of the Mayor's allowance as this reflected their workload.
- 3.31 The IRP examined the current subsistence allowances and deemed it suitable that the rates remain in line with those payable to officers, with any future changes to these reflected in the Allowances Scheme
- 3.32 It was considered important that travel allowances continue to be offered at the HMRC approved mileage allowance payments rates, with any future changes to these reflected in the Allowances Scheme.

- 3.33 It was heard that the dependants' carers' allowance was currently £9.60/hr. There was provision in the Scheme to automatically update this, following any increase in the national living wage, to be 10 pence above this amount. The IRP felt that this remained fair and appropriate and recognised that the national living wage would increase in April 2023.
- 3.34 The IRP discussed co-optee rates and agreed that these should be maintained (expenses and the relevant SRA payable pro-rata).
- 3.35 With all elements of the Regulations covered, officers thanked the members of the IRP for the time and effort they had given over recent months. Their views, experience and insights had been valuable and had made for an interesting review. The final recommendations of the IRP are set out below.

4. Recommendations

4.1. The IRP recommends that:

- a) The Councillors' Allowance Scheme be in place for the municipal years 2023/24, 2024/25, 2025/26, and 2026/27, with an Independent Remuneration Panel being formed in 2026 to review the Allowances Scheme for 2027/28.
- b) The basic allowance and all special responsibility allowances (SRAs) are to be maintained at the current rates. Councillors are to be limited to one SRA.
- c) The Mayor's allowance is to be maintained at the current rate.
- d) The Deputy Mayor's allowance is to be maintained at the current rate. In the event that the Mayor ceases to hold their position, the Mayor's allowance will instead be payable to the Deputy Mayor (pro-rata).
- e) The allowances are to be subject to an indexation. The annual officers' pay increase (for the previous year) is to be applied, unless:
 - I) the officers' pay increase is not agreed before the beginning of the forthcoming municipal year, or
 - II) the officers' pay increase is a figure rather than a percentage, or
 - III) the officers' pay increase is a percentage which is higher than the amount by which the Council's fees and charges are to increase in the forthcoming financial year;and in any of these cases the percentage by which fees and charges will be increasing in the forthcoming financial year will instead be applied to the allowances.
- f) Travel allowances are to be maintained at the current rate (in line with the HMRC approved mileage allowance payment rates) and are to be updated by default to mirror any future changes to the HMRC rates. The allowance is payable to electric car users at the same rate as other car users. Public transport expenses continue to be payable under the current arrangements.
- g) Subsistence allowances are to be maintained at the current rate (in line with those payable to officers) and are to be updated by default to mirror any changes to the officer rates.

- h) The dependants' carers' allowance is to be maintained at the current rate of £9.60/hr, until the national living wage is increased. When this occurs the allowance is to be updated by default to remain 10 pence above the national living wage.
- i) The allowances payable to co-optees are to be maintained at the current rate (expenses and the relevant SRA, pro-rata).

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COUNCILLORS' ALLOWANCES SCHEME 2023/2024 to 2026/2027 (From 27 May 2023 to 28 May 2027)

This Scheme may be cited as the Crawley Borough Council Councillors' Allowances Scheme, and shall have effect from 27 May 2023 to 28 May 2027.

In this Scheme:

"Councillor" means a Member of Crawley Borough Council who is a councillor.

"Year" means the approximate 12 month period beginning on the day following the Council's annual meeting and ending on the day of the Council's annual meeting in the following municipal year.

1. BASIC ALLOWANCE

Subject to paragraph 8, for each year the basic allowance specified in schedule 1 to this Scheme shall be paid to each councillor.

2. SPECIAL RESPONSIBILITY ALLOWANCES

For each year a special responsibility allowance shall be paid to those councillors and co-opted members who hold the special responsibilities in relation to the authority, including those of the Mayor and Deputy Mayor, that are specified in Schedule 1 to this Scheme.

Subject to paragraph 8, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

3. INDEXATION

All allowances set out in Schedule 1 (with the exception of that of the Independent Person(s)) shall be subject to an indexation. The annual officers' pay increase (for the previous year) is to be applied, unless:

- (a) the officers' pay increase is not agreed before the beginning of the forthcoming municipal year, or
- (b) the officers' pay increase is a figure rather than a percentage, or
- (c) the officers' pay increase is a percentage which is higher than the amount by which the Council's fees and charges are to increase in the forthcoming financial year;

And in any of these cases the percentage by which fees and charges shall be increasing in the forthcoming financial year shall instead be applied to the allowances.

4. TRAVELLING AND SUBSISTENCE ALLOWANCES

(1) Travelling and subsistence allowances shall be paid to councillors and co-opted members in the following circumstances:

- (a) The attendance at a meeting of the authority or of any Committee or Sub-Committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body.

- (b) The attendance at any other meeting, the holding of which is authorised by the authority, or a Committee or Sub-Committee of the authority, or a Joint Committee of the authority and at least one other authority within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee, provided that:
 - (i) Where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited.
 - (ii) If the authority is not so divided, it is a meeting to which at least two councillors have been invited.
 - (c) The attendance at a meeting of any association of authorities of which the authority is a member.
 - (d) The attendance at a meeting of the Cabinet or a meeting of any of its Committees, where the authority is operating Cabinet arrangements.
 - (e) The performance of any duty in pursuance of any standing order made under Section 135 of the Local Government Act 1972 (requiring a councillor or councillors to be present while tender documents are opened).
 - (f) The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises.
 - (g) The carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its Committees or Sub-Committees. (The duties approved by the Council for the payment of travelling, subsistence and dependant care allowances under this subsection are specified in Schedule 2 to this Scheme).
- (2) The level of travelling allowances payable to councillors and co-opted members shall be based on the HM Revenue & Customs approved mileage rates, as set out below. If any changes are made to the approved HMRC rates, the figures below shall be amended accordingly to remain in line with these rates:

	First 10,000 miles	Each mile over 10,000
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

In addition, councillors may claim a passenger supplement of 5p per mile for carrying passengers in a car or van who would otherwise be entitled to a travelling allowance.

Councillors may also claim costs incurred when travelling by public transport.

- (3) The level of subsistence allowances payable to councillors and co-opted members shall be the same as those paid to Crawley Borough Council officers. If any changes are made to the officers' rates, the figures below shall be amended accordingly to remain in line with these rates:

Subsistence	Rate
Tea (more than four hours absence including the period from 3.00pm to 6.00pm)	£3.53
Evening Meal (more than four hours absence ending after 7.00pm)	£11.03

- (4) Overnight rate should be the actual cost up to a maximum of £86.46 (or £99.51, if in London) subject to the Head of Governance, People & Performance being empowered to authorise a higher amount in specific instances where suitable accommodation cannot be found within the limit.

5. **DEPENDANTS' CARERS' ALLOWANCE**

A Dependants' Carers' Allowance of the actual cost up to £9.60 per hour shall be payable to cover the cost of caring for a councillor's dependant children or elderly/disabled relatives whilst a councillor is undertaking an approved duty, provided the carer is not a member of the councillor's own household. In addition, the Dependants' Carers' Allowance, at the level prescribed above, shall be payable to cover the cost of a live-in nanny caring for a councillor's dependant whilst the councillor is undertaking an approved duty. In other circumstances where professional babysitting and care services are used and a minimum period for the service is imposed by the service provider, then the period in respect of which the allowance is payable shall include the whole period for which a councillor is charged.

The Dependants' Carers' Allowance shall only be payable in relation to duties described in paragraph 4 (a) to (g) above.

The rate of Dependants' Carers Allowance shall be amended, upon increase of the National Living Wage, to remain 10 pence above the National Living Wage.

6. **LOCAL GOVERNMENT PENSION SCHEME**

As of 1 April 2014 no new councillors are able to join the Local Government Pension Scheme. Scheme membership for existing councillors was protected until the end of their then current 4 year term of office.

7. **CO-OPTED MEMBERS**

Co-opted members shall receive travelling and subsistence allowances and any special responsibility allowance which might apply.

8. **RENUNCIATION**

A councillor may, by notice in writing given to the Head of Corporate Finance, elect to forego any part of their entitlement to an allowance under this Scheme.

9. **PART-YEAR ENTITLEMENTS**

- (1) The provisions of this paragraph shall have effect to regulate the entitlements to basic and special responsibility allowances (including those of the Mayor and Deputy Mayor) where, in the course of a year, this Scheme is amended or that councillor becomes, or ceases to be, a councillor, or an office holder accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (2) If an amendment to this Scheme changes the amount to which a councillor or an office holder is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:
 - (a) Beginning with the year and ending with the day before that on which the first amendment in that year takes effect or
 - (b) Beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

The entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.
- (4) Where this Scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during their term of office as a councillor subsists bears to the number of days in that period.
- (5) Where an office holder has during part of, but not throughout, a year such special responsibilities as entitle them to a special responsibility allowance, that office holder's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- (6) Where this Scheme is amended as mentioned in sub-paragraph (2), and an office holder has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (2) (a) of that paragraph any such special responsibilities as entitle them to a special responsibility allowance, that office holder's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which they have such special responsibilities bears to the number of days in that period.

10. PAYMENTS

Payments by direct bank credit shall be made in respect of basic and special responsibility allowances and pensions in monthly instalments and are usually paid on the 20th of each month. Where the 20th falls on a weekend, payments will be made on the previous Friday. Each month's allowance is calculated on the basis of one twelfth of the annual allowance, and is for the period of that calendar month, and payment for individual days is calculated by dividing the monthly sum by the number of days (including Saturdays and Sundays) in the particular month (subject to paragraph 9 above).

SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances:

Office Holder	Allowance Payable 2023/24 (£)*
Basic allowance (all councillors)	6,617
Leader of the Council	15,885
Cabinet Portfolio Holders	7,942
Chair of Overview and Scrutiny Commission	7,106
Chair of any Scrutiny Panel	1,262
Chair of Planning Committee	6,617
Chair of Licensing Committee	5,453
Chair of Governance Committee	2,649
Chair of Audit Committee	2,649
Chair of Budget Advisory Group (payable provided the post holder is not a Cabinet Member)	1,262
Leader(s) of minority group(s) (differential rates depending on number of members in that Group):	
• basic allowance	2,448
• additional payment per group Member	305
Mayor	6,361
Deputy Mayor	954
Independent Person(s) (Standards) **	750

All councillors receive the basic allowance and any relevant special responsibility allowance.

No councillor is entitled to more than one special responsibility allowance.

* All allowances are to increase via indexation, the amount of which is to be confirmed.

** The Monitoring Officer, in consultation with the Leader of the Council and all Group Leaders, has been authorised to set the initial allowance and expenses for the Independent Persons and to review annually thereafter.

SCHEDULE 2

The following are approved duties for the payment of travelling, subsistence and dependants' carers' allowances in accordance with sub-section 4 (1) (g) of this Scheme:

- (i) Attendance at seminars and training courses funded by the Crawley Borough Council, whether held in the Town Hall or elsewhere.
- (ii) Attendance at meetings with Council officers in connection with Crawley Borough Council duties.
- (iii) Attendance at meetings with other local authorities, central government or other agencies in connection with Crawley Borough Council duties.
- (iv) Attendance at meetings with members of the public in connection with Crawley Borough Council duties.
- (v) Attendance at meetings with voluntary organisations or public sector bodies, award ceremonies, or public events in connection with Crawley Borough Council duties.

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Crawley Borough Council

Report to Governance Committee

10 October 2022

Changes to the Constitution: Licensing Sub-Committee (Taxis) Functions

Report of the Head of Governance, People & Performance – LDS/191

1. Purpose

- 1.1. Following the decision by the Licensing Committee to delegate power to take decisions around the suspension of issuing hackney carriage (driver and vehicle) licences and private hire (driver/vehicle/operator) licences to a Licensing Sub-Committee (when specifically requested by the Chair of the Licensing Committee), this report proposes changes to the Constitution which will reflect the arrangements necessary to fulfil the decision.

2. Recommendations

- 2.1. That the Full Council be recommended to approve:
 - a) The Licensing Sub-Committee (Taxis) functions as set out in Appendix A of this report.
 - b) That meetings of the Licensing Sub-Committee (Taxis) follow the same procedure as set out in the General Committee Procedure Rules of the Constitution.
 - c) That the Head of Governance, People & Performance be delegated authority to amend all references to the “Licensing Sub-Committee” in the current Constitution to “Licensing Sub-Committee (Hearings)” and make any other consequential changes to the Constitution as necessary.

3. Reasons for the Recommendations

- 3.1. To ensure that the Constitution reflects the functions of the Licensing Sub-Committee (Taxis) established by the Licensing Committee.

4. Background

- 4.1. At an Extraordinary meeting on [17 August 2022](#), the Licensing Committee considered report [HCS/043](#) which advised that the Chair of the Licensing Committee had called the Extraordinary meeting and requested that the Committee consider a variation or temporary suspension to Section 2.11.6 of the [Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy 2022-2026](#) (‘the Policy’), which

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related to the colour of vehicle licence plates that must be displayed by licensed private hire vehicles when undertaking work exclusively from Gatwick Airport.

- 4.2. At that meeting the Committee resolved that the Policy be modified to enable the Council to suspend the issuing of any category of licence. In addition, the Committee resolved that the power to take decisions around the suspension of issuing Hackney Carriage (driver and vehicle) licences and Private Hire (driver/vehicle/operator) licences be delegated to a politically balanced Licensing Sub-Committee which would be called at the request of the Chair of the Licensing Committee, and that constitutional changes arising from its decision be brought before the next meeting of the Governance Committee.
- 4.3. The minutes of that Extraordinary Licensing Committee are attached as Appendix B to this report.

5. Constitutional Changes

- 5.1. The Constitution currently reflects that the Council's functions, as a Licensing Authority (with the exception of any functions which are reserved for the Full Council) relating to Hackney Carriages, Private Hire Vehicles, public safety, animal welfare, market and street trading, sex establishments, scrap metal dealing and other miscellaneous licensing and registration functions are discharged by the Council's Licensing Committee. It also reflects that the functions of the Council as a Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 have been delegated to the Licensing Sub-Committee.
- 5.2. To enact the resolution made by the Licensing Committee to establish an additional Licensing Sub-Committee to take decisions around the suspension of issuing licences when requested by the Licensing Committee Chair, it is necessary to set out the functions of that new Sub-Committee for inclusion in the Council's Constitution.
- 5.3. To distinguish between the already established Sub-Committee which undertakes Hearings to consider applications under the Licensing Act 2003 and Gambling Act 2005 it is suggested that the current Sub-Committee be renamed "Licensing Sub-Committee (Hearings)" and the newly established Sub-Committee be named "Licensing Sub-Committee (Taxis)". Whereas the current Sub-Committee has specific Procedure Rules which reflect the relevant legislation, it is proposed that the "Taxi" Sub-Committee follows the General Committee Procedure Rules.
- 5.4. The Committee is asked to consider the proposed functions of the Licensing Sub-Committee (Taxis) set out in Appendix A to this report and recommend to the Full Council that those changes be adopted for inclusion in the Constitution.
- 5.5. It is expected that other minor changes to the Constitution, in addition to renaming the current Sub-Committee, may be necessary to reflect the new arrangements and the Committee is therefore requested to delegate such amendments to the Head of Governance, People & Performance.

6. Legal and Other Implications

- 6.1. To ensure that any decision taken by a Council body is legal, it is vital that the Constitution is updated to reflect the decision-making powers of the newly established Licensing Sub-Committees (Taxis).

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- 6.2. It is suggested that the meeting is held within 15 working days following the Chair of the Licensing Committee calling for the Sub-Committee. This is to:
- Ensure that any meeting of the Licensing Sub-Committees (Taxis) fulfils the statutory requirement to publish Committee documents at least 5 clear days before a meeting takes place.
 - Give officers enough time to produce a report.
 - Give notice of the meeting to any other relevant parties.
 - Allow time to establish a politically balanced Sub-Committee Panel.

7. **Background Papers**

[Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy 2022-2026](#)

[Constitution of Crawley Borough Council](#)

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LICENSING SUB-COMMITTEE (TAXIS)

(Panel of 5 drawn from the Licensing Committee Members. Any Panel must reflect the political balance of the Council)

1. PURPOSE

To discharge functions of the Council as Licensing Authority in relation to the suspension of issuing hackney carriage (driver and vehicle) licences and private hire (driver/vehicle/operator) licences.

2. CALLING AND HOLDING A MEETING OF THE LICENSING SUB-COMMITTEE (TAXIS)

A Sub-Committee can **only** be called at the request of the Chair of the Licensing Committee.

Once the Chair of the Licensing Committee has called a Sub-Committee meeting, that meeting will be held within 15 working days.

3. RESPONSIBILITIES OF THE LICENSING SUB-COMMITTEE (TAXIS)

To review whether to suspend the issuing of:

- Hackney carriage (driver and vehicle) licences.
- Private hire (driver/vehicle/operator) licences.

4. DECISIONS WHICH WILL BE TAKEN BY THE LICENSING SUB-COMMITTEE (TAXIS)

To determine whether it is necessary to suspend the issuing of:

- Hackney carriage (driver and vehicle) licences.
- Private hire (driver/vehicle/operator) licences.

* *NB:*

All decisions relating to suspending licences will be taken by the Head of Community Services unless the Chair of the Licensing Committee specifically requests that a Licensing Sub-Committee (Taxis) meeting be called.

5. DOCUMENTS RELATED TO THE LICENSING SUB-COMMITTEE (TAXIS)

- Council Officer Responsibilities and Decision Making
- Licensing Committee meeting documents from 17 August 2022.

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Crawley Borough Council

Minutes of Licensing Committee

Wednesday, 17 August 2022 at 7.00 pm

Councillors Present:

I T Irvine (Chair)

Z Ali (Vice-Chair)

M L Ayling, J Bounds, B J Burgess, J Hart, K L Jaggard, M G Jones, P K Lamb, K McCarthy,
C J Mullins, A Nawaz and B Noyce

Officers Present:

Dan Carberry	Public Protection and Enforcement Manager (observing)
Siraj Choudhury	Head of Governance, People & Performance (observing)
Ian Duke	Deputy Chief Executive (observing)
Heather Girling	Democratic Services Officer (observing)
Matt Lewin	Public Law Barrister (appointed as Legal Clerk for the Council)
Mez Matthews	Democratic Services Officer
Kareen Plympton	Team Leader Principal - Health, Safety and Licensing Services
Kate Wilson	Head of Community Services

Apologies for Absence:

Councillor D M Peck

Absent:

Councillor M Morris

1. Disclosures of Interest

The Legal Clerk advised that they had been made aware that some Councillors had been involved in matters relating to the dispute relating to the private hire operator at the concession at Gatwick Airport and some private hire drivers working at Gatwick. In light of this, the Legal Clerk advised the Committee to consider whether it had any disclosable Interests in the item of business before it. In addition, the Legal Clerk reminded the Committee that it was of fundamental importance that the

Committee remained open to listening to all the submissions put forward at the meeting and remained open to changing its mind in light of those submissions. Should any Committee Member believe they had pre-determined their position (i.e. that their mind was made up as to how they would vote prior to the meeting), they should declare as such and withdraw from the meeting.

At this point in the meeting a Committee Member raised a Point of Order, and questioned whether the Legal Clerk, who was not a Council employee but had been appointed to represent the Council for the meeting, was authorised to attend the meeting in the capacity of 'Legal Clerk'. The Committee was advised that the Legal Clerk had been properly appointed to represent the Committee and the Chair ruled that Mr Lewin be authorised to continue to represent the Council in that capacity for the meeting.

Following a query relating to pre-determination and whether the requirements and enforcement in relation to it were still in place following the Localism Act 2011, the Legal Clerk acknowledged that the rules regarding pre-determination had changed. The Legal Clerk however advised that the change did not remove the principle of pre-determination altogether and it was important that Councillors consider any matter before them with an open mind. The Legal Clerk reminded the Committee that it was a matter for each individual Committee Member to consider whether they might have pre-determined.

Councillor Jones stated they were not aware of any Committee Member, including himself, who had pre-determined their position in relation to the matter on the agenda.

Councillors Ali, Irvine, Jones, Lamb and Nawaz confirmed that they had received some form of lobbying in respect of Agenda Item 4 (Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy). In response to a concern raised by a member of the Committee, the Democratic Services Officer assured the Committee that lobbying was not classed as an Interest and would be minuted as lobbying. During the debate of the agenda item Councillor Jones informed the Committee that, whilst they had undertaken discussions at Gatwick, those discussions had not referenced teal plates nor the matter under discussion at this meeting.

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Irvine	Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy (Minute 3)	Personal Interest – member of the Unite the Union.
Councillor Lamb	Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy (Minute 3)	Personal Interest – member of the Unite the Union.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 20 June 2022 were approved as a correct record and signed by the Chair.

3. Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy

The Committee considered report [HCS/043](#) of the Head of Community Services which advised that the Chair of the Licensing Committee had called the extraordinary meeting and requested that the Committee consider a variation or temporary suspension to section 2.11.6 of the [Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy 2022-2026](#) ('the Policy'), which related to the colour of vehicle licence plates that must be displayed by licensed private hire vehicles when undertaking work exclusively from Gatwick Airport. The Team Leader Principal for the Health, Safety and Licensing Team presented the report in full to the Committee.

Although constitutionally there were no public speaking rights at the Licensing Committee, the Chair had used their discretion to grant permission to several relevant parties who had requested to address the Committee on the matter before it.

Mr Nick Venes (a licensed driver and Unite the Union representative) addressed the Committee and made the following points:

- Demand at Gatwick had been high recently due to cancelled flights, staffing issues and train strikes, but that demand had now reduced and was expected to remain at the current level.
- Drivers were happy with how the Council regulated licences and were proud to be so highly regulated as it reflected their professionalism.
- 90% of the drivers who serve Gatwick Airport lived and worked within the Borough.
- The teal plates set those private hire vehicles which serve Gatwick apart from those which serve the remainder of the town. That differentiation meant they could be easily identifiable.
- Gatwick was a different entity from other private hires and hackney carriages as the number of passengers from Gatwick fluctuated across the seasons.
- Suspending the teal plates would help going forward, and as such, it was requested that the Committee take that into consideration when making its decision.

Mr Ahjaz Ali (a licensed driver and Unite the Union representative) addressed the Committee and made the following points:

- They had been in dispute with the operator at Gatwick Airport and were of the view that recruiting additional drivers whilst in dispute was unfair.
- An unusually high number of teal plates had been issued recently in a short space of time which undermined the trade. The reasons for that were questioned and it was suggested that the issuing process had been sped up.
- The likelihood of drivers making a living wage and recouping the investment of their vehicle was at risk if they had to share the work with a lot of other drivers, especially as the level of trade at Gatwick during the winter months was minimal.
- The majority of the drivers at Gatwick lived locally. Those drivers supported the local economy and local residents.
- Raised concern as to how the new drivers had been introduced into Gatwick.
- Requested that an immediate suspension be put in place and a cap on the number of plates issued be applied.
- Proposed that temporary plates (to cover the summer period) could be introduced which could then revert back to yellow plates following peak season.

Mr Mohammed Azzaoui (a licensed driver and Unite the Union representative) addressed the Committee and made the following points:

- There was a significant level of stress for the drivers at Gatwick recently, particularly as a result of the private hire operator at Gatwick.
- The private hire drivers were attempting to find a solution to the dispute with the operator at Gatwick.
- Drivers had experienced difficult financial times recently under the current operator at Gatwick.
- Teal plate drivers had contacted Councillors and officers to try to seek help to support their colleagues.
- It appeared that Gatwick's private hire operator had oversold itself when it secured the contract at Gatwick with the drivers paying the consequence for that.
- Questioned why a large number of teal plates had been issued in recent weeks.

The Democratic Services Officer then read out a statement on behalf of Emma Rees, the Head of Real Estate and Surface Access for Gatwick Airport, which provided the following points:

- Disappointment that there had been no consultation or contact with Gatwick Airport Limited on the matter.
- Gatwick Airport had recently been contacted by a number of Councillors regarding the current dispute between the operator and the drivers at Gatwick.
- The teal plates had been introduced in 2013 to ensure the safety of the airport and passengers following consultation with Gatwick Airport and Sussex Police. That position had not changed.
- Asserted that a change to the Policy, either temporary or permanent, should not be considered.
- The report appeared to be premature as the introduction on 'dual plates' was due to be considered by the Committee at an upcoming meeting.
- In order to meet passenger demand and delivery of the Service Level Agreement it was necessary to recruit additional drivers. The number of passengers using Gatwick Airport had increased and was set to continue rising.
- Suspending the issue of teal plates would result in the recruitment of drivers with yellow plates which would jeopardise the security at Gatwick as the vehicles would not be easily identifiable.
- Requested that the status quo remain and that proper engagement with the Airport and Sussex Police be undertaken prior to any decision being taken.

Peter Bailey, Head of Operations and Commercial at Gatwick Cars, addressed the Committee and stated the following points:

- The original contract had bid on the basis that the drivers at Gatwick wanted to be 'workers' and paperwork had been issued on that basis. The drivers had now informed the operator that they wanted to remain as self-employed, the operator did not have an issue with this. The operator had been dealing with Unite the Union and was due to go to mediation to resolve the matter.
- Recruitment policies for private hire drivers were usually based on passenger numbers and Service Level Agreements and not the views of the drivers themselves.
- Several Councillors had contacted the management at Gatwick Cars to make representations on behalf of the drivers and suggested that the comments made by those Councillors could demonstrate a perception of bias against the operator and called into question those Councillors' ability to make a fair-minded decision.

- Mr Bailey suggested that the Council/Councillors were interfering in matters relating to the dispute between the operator at Gatwick and the drivers and putting pressure on the company to influence its business decisions.
- The need for additional teal plates could be made on economic grounds. The company wanted to increase local employment opportunities, support the local economy and create new jobs.
- The extraordinary meeting had been called by the Chair of the Licensing Committee to consider a variation to the Policy following receipt of communications by the Council with regard to the dispute. Those communications had not been shared with all parties and it was requested that that information be disclosed to the operator.

Ian Miller, Non-Executive Director at Gatwick Cars, addressed the Committee and made the following submission:

- Questioned the need for calling the extraordinary Committee meeting as it related to the current dispute between the operator at Gatwick Airport and its drivers.
- Limiting the number of teal plates would constrain the operator's ability to fulfil the needs of passengers at the Airport and limited the opportunity for local drivers to obtain a teal plate and work at Gatwick.
- Should there be a surplus of drivers during the winter period those drivers could swap their teal plate for a yellow plate as that was a quick and efficient process.
- Teal plates had been introduced in 2013 following consultation with the Council, Gatwick Airport and Sussex Police to improve safety and security at the Airport.
- Suspending or abolishing teal plates would undermine the sound reasons and rationale for introducing the teal plates. It was a contractual obligation of the operator to use teal plates.
- There had recently been a huge increase in passenger numbers at Gatwick and it was believed that would rise. It was necessary to recruit new drivers at the Airport as a matter of urgency in order to fulfil the conditions of the Service Level Agreement with Gatwick and reduce passenger waiting times. Those service levels had not been met in recent weeks due to a shortage of drivers.
- Self-employed drivers working for the operator had been informed of the need to recruit and had requested they be inputted in the process. That request had been politely declined as it was a matter for Gatwick Cars Management team.
- Questioned the timing of the Extraordinary Committee meeting given the recent lobbying by certain Councillors in an attempt to resolve the dispute between the self-employed drivers and Gatwick Cars Management team.

Prior to the Committee discussing the matter, the Legal Clerk reminded the Committee that it had resolved to adopt the Private Hire and Hackney Carriage Licensing Policy at its meeting on [1 March 2022](#) (minute 4 of that meeting refers) following full public consultation and that the revised Policy had come into effect in April 2022. The Legal Clerk then reiterated that the Committee's primary concern, as set out in the Policy, was public safety. The Committee was therefore advised to consider the information before it and remain mindful that any change to Policy would need to be justified by public safety reasons.

In response to questions raised by the Committee the Team Leader Principal for the Health, Safety and Licensing Team:

- Advised that the employment status of the private hire drivers (i.e a 'worker' or 'self-employed') was an employment law matter and was not a consideration for the Committee.
- Clarified that the Unmet Demand Survey only applied to Hackney Carriages and it was unlawful to restrict the number of private hire licences in that way. The Council, as Licensing Authority, was required to issue a private hire licence unless a private hire driver was deemed not to be 'fit and proper' or a private hire vehicle did not meet the required specification.
- Informed the Committee that the Council had powers to suspend or revoke a licence in certain situations and that any such action was carefully documented and considered against the 'fit and proper' guidance to protect the public. The Licensing Team regularly considered such cases and, in addition to suspension and revocation, issued penalty points to drivers when appropriate.
- Advised that a Magistrate's Court decision meant that private hire vehicles serving an airport did not require door livery but had teal rear licence plates and "top boxes" to aid identification.
- Informed the Committee that the issuing of teal plates was an administrative function and was not related to the 'fit and proper' test. Should the Committee be minded to suspend the issuing of teal plates, when a driver applied for a teal plate the Council would legally be required to issue yellow plates in order to allow drivers to continue operating. It could not cease to issue licences. Thereby the Council would operate a 3-tier system: white/blue plates for hackney carriages, yellow plates with full livery for non-airport private hire vehicles, and yellow plates with no livery for airport private hire vehicles. Concern was expressed that the lack of livery for yellow-plated private hire vehicles serving the airport would make enforcing the trade more of a challenge for the Council and Sussex Police and that the teal plates had been instated upon the request from Gatwick Airport Limited (GAL), Sussex Police and the Council as Licensing Authority for regulatory purposes, to aid identification and promote public safety.
- Reassured the Committee that the speed at which teal plates were issued had not been expedited recently. When all the relevant information was submitted with an application, a plate was usually issued within 1-2 days. The Licensing Team aimed to issue plates as soon as practicable given it affected those individuals' livelihoods. That timeframe had remained unchanged.
- Informed the Committee that 27 applications to convert a yellow plate to a teal plate had been made since 1 July 2022. Of those, 15 had been issued and 12 had been named but were awaiting further information before they would be allocated.
- Explained it was difficult to provide a comparison between the number of plates issued recently to that of previous years as the industry had been affected by the Covid-19 pandemic, a consequence of which was that a number of drivers had sought alternative employment. The Committee was informed that the Council currently licensed approximately 890 licences, prior to Covid that figure had been approximately 1200.
- Advised that Gatwick Cars was licensed to operate 101+ private hire drivers, it currently operated 276 drivers and had operated more drivers pre-pandemic. Gatwick Cars had advised it was seeking to recruit more drivers to meet demand.
- Reiterated that changing a plate was an administrative function. Transferring from a yellow to teal plate was not uncommon and most drivers applying for a teal plate were not applying for a new licence but replacing a yellow plate with

a teal one instead. It was common for private hire drivers who had been working from Gatwick Cars' sister company EVO with a yellow plate to move to work directly for Gatwick Cars with a teal plate. That was a business decision taken by Gatwick Cars.

- Reiterated that the primary and over-riding consideration of the licensing regime must be public safety, and identifying features, such as the colour of rear plates and other signage was key to fulfil that requirement.

The following motion was then proposed by Councillor Lamb and seconded by Councillor Ayling:

- “1) That the Private Hire and Hackney Carriage Licensing Policy be modified to enable the council to suspend the issuing of any category of licence.
- 2) That the power to take decisions around the suspension of issuing licences be delegated to a Licensing Sub-Committee.
- 3) That any such meeting of the Licensing Sub-Committee shall reflect the political make-up of the Council.
- 4) That the power to call the Sub-Committee be delegated to the Chair of the Licensing Committee.
- 5) That any Constitutional changes stemming from this decision be brought forward at the earliest opportunity.”

In submitting this motion Councillor Lamb reminded the Committee that its primary function was to ensure public safety and advocated that, due to a 'gap' in the Policy, Licensing Officers currently lacked the power to suspend the issuing of new licences. Councillor Lamb stressed that there had been cases when the lack of power to suspend licences had affected a Council's ability to act quickly to address an urgent public safety concern. The motion intended to rectify the fact that the current situation could potentially lead to a future safeguarding issue. Issuing licences was a non-Executive function, and as such the function could be undertaken by the Committee itself or Full Council, rather than being delegated to officers. Councillor Lamb asserted that suspending the issue of plates would not breach legislation, and best practice did not specify that the responsibility had to be taken at officer level. Councillor Lamb reminded the Committee that the Council's Cascade System allowed controversial applications to be taken further up the cascade rather than by officers. Councillor Lamb concluded that his proposed motion balanced the democratic process with the Council's moral obligations as well as futureproofing the Policy.

The Committee then discussed the proposed motion. Several Committee Members supported the proposed motion and were of the opinion that different levels of decision making would be advantageous.

Several Committee members were concerned that the Committee appeared to be involving itself with the business of the private hire operator and Gatwick and were conscious that the Council should not be seen to attempt to limit the number of private hire licences as it was not legal to do so. In addition, several Committee members were concerned that, should the Committee suspend the issuing of teal plates, any licence issued for Gatwick would be a yellow plate but would not need to be liveried, potentially making enforcement more difficult and that public safety should be the key concern. Dissatisfaction was also expressed that an Extraordinary Committee meeting had been called and some were of the view that the item under

consideration, which related to decision making routes and delegations, should have been tabled for a future scheduled meeting when there had been time to prepare a full report which included more detailed analysis of the advantages/disadvantages of suspending plates. A question was also raised as to why some Committee members were seeking to revise the Policy which had been approved unanimously by the Committee in March 2022. Unease was expressed by some Committee members that unnamed Councillors had been involved in discussions regarding the private hire drivers' dispute with Gatwick Cars and that, should those Councillors be members of the Committee, that situation could have left doubt as to those Councillors' ability to keep an open mind when considering the matter.

In response to a request from the Committee, the Legal Clerk provided legal advice and reminded the Committee that it would be unlawful for the Council to cease issuing plates, the Council could only refuse to issue a plate if a driver was deemed not to be 'fit and proper' or if the vehicle did not meet the required specification. The Legal Clerk also advised that the Constitution did not currently permit a Sub-Committee to take decisions around the suspension of issuing licences and, as the Constitution currently stood, any such decision would need to be taken by the Licensing Committee itself.

The Committee noted that a report would be submitted to the next Governance Committee to consider the consequential changes to the Constitution necessary to accommodate the resolution, if passed, with that Committee making a recommendation to the Full Council in relation to any proposed Constitutional changes. Concern was expressed that any changes to the Policy could take effect immediately with limited opportunity to scrutinise the consequences of the Policy change.

Following a vote on the proposed motion, the motion was declared to be carried.

RESOLVED:

1. That the Private Hire and Hackney Carriage Licensing Policy be modified to enable the Council to suspend the issuing of any category of licence.
2. That the power to take decisions around the suspension of issuing licences be delegated to a Licensing Sub-Committee.
3. That any such meeting of the Licensing Sub-Committee shall reflect the political make-up of the council.
4. That the power to call the Sub-Committee be delegated to the Chair of the Licensing Committee.
5. That any Constitutional changes stemming from this decision be brought forward (for consideration by the Governance Committee with a recommendation to the Full Council) at the earliest opportunity.

Clarification Note by Head of Governance, People & Performance:

Based on the resolution (above) and then the subsequent communications, the following clarification is provided for information:

- *The purpose was to change the Licensing Policy (and consequentially the Constitution) to allow a Licensing Sub-Committee to suspend the issuing of*

any category of licence. That would solely apply to Hackney Carriage (driver and vehicle) licences and Private Hire (driver/vehicle/operator) licences.

- *Day-to-day business (i.e. the issuing, renewal and suspension of individual licences) will continue as normal save for any suspension decisions which might be made by the Licensing Sub-Committee.*

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.42 pm

I T Irvine (Chair)

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CHANGES TO THE CONSTITUTION: FINANCIAL APPROVAL LEVELS

Report of the Head of Governance, People & Performance – LDS/192

J. FINANCIAL APPROVAL LEVELS AND PROCUREMENT THRESHOLDS (EXTRACT FROM THE FINANCIAL AND BUDGET PROCEDURE RULES SECTION OF THE CONSTITUTION)

Financial Approval Levels

	Budget Transfers		Redundancies/early retirement	Supplementary Estimate		Purchase land/property <i>for housing delivery</i>	Asset Disposal	Write-offs	Sale of land
	Revenue	Capital		Revenue	Capital				
Heads of Service	£50,000 within service area, no future commitment	£50,000 within service area					£10,000		
Head of Corporate Finance	£50,000 across the Council, no future commitment	£50,000 across the Council	£500,000			<i>For Investment: Within the limits of the Investment Acquisition Reserve</i>	£10,000 - £50,000	Up to £2,500	Up to £25,000
Head of Crawley Homes <i>jointly in agreement</i>						<i>For housing delivery: Within the limits of the Housing</i>			

	Budget Transfers		Redundancies/early retirement	Supplementary Estimate		Purchase land/property for housing delivery	Asset Disposal	Write-offs	Sale of land
	Revenue	Capital		Revenue	Capital				
with the Head of Corporate Finance *						Revenue Account Budget			
Head of Strategic Housing in agreement with the Head of Corporate Finance *						<i>For temporary accommodation: Within the limits of the Temporary Accommodation Acquisitions Budget</i>			
Leader								£2,500 - £50,000	£25,000 - £200,000
Cabinet	Over £50,000, or up to £100,000 future commitment	Over £50,000		Up to £100,000 per request, up to maximum of £500,000 per annum	Up to £500,000 per scheme		Over £50,000	Over £50,000	Over £200,000

	Budget Transfers		Redundancies/early retirement	Supplementary Estimate		Purchase land/property for housing delivery	Asset Disposal	Write-offs	Sale of land
	Revenue	Capital		Revenue	Capital				
Full Council	Future commitment above £100,000			Over £100,000	Over £500,000				

* In consultation with the appropriate Cabinet Member ~~for Housing~~ and the Leader.

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