



Appointments Council Meeting of the Burnley Borough Council

To be held at 6.30 pm on
Tuesday, 23rd May, 2023



Sir or Madam,

Notice is given of a MEETING of the COUNCIL of the BOROUGH OF BURNLEY to be held at MECHANICS THEATRE, BURNLEY on

DATE: Tuesday, 23rd May, 2023

starting at 6.30 pm

To transact the business specified below.

**Catherine Waudby
Head of Legal and Democratic Services**

Members of the public may ask a question, make a statement, or present a petition relating to any matter for which the Council has a responsibility or which affects the Borough.

Notice in writing of the subject matter must be given to the Head of Legal & Democratic Services by 5.00 pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

All Full Council meetings are livestreamed on the Council's [Youtube Channel](#)

Due to limited space in the venue members of the public wishing to observe the meeting are advised to watch the live stream on Youtube. Priority will be given to those who have registered to speak if seating capacity is exceeded.

A G E N D A

1. Minutes of the Last Meeting 7 - 10
To receive, as read, the Minutes of the proceedings of the previous Council meeting, held on 20th April 2023, and to confirm them or otherwise.

2. Declarations of Interest
To receive any declarations of interest.

3. Mayor's Communications

To receive communications (if any) from His Worshipful the Mayor.

4. Public Question Time

To receive questions, statements or petitions (if any) from members of the public.

5. Appointment by the Leader of the Executive and Executive Portfolios

To note the appointment, by the Leader, of the Executive and the Executive Portfolios – to follow.

6. Items for Decision by the Council

- a) Appointments to Committees and Working Groups 2023/24 11 - 18
To consider the appointments to Committees, Working Groups and Panels for 2023/24.
- b) Appointment of Chairs and Vice-chairs 2023/24 19 - 20
To consider the appointment of Chairs and Vice-chairs for 2023/24.
- c) Appointments to Outside Bodies 2023/24 21 - 28
To consider the appointment of the Council's representatives on Outside Bodies for 2023/24.
- d) Constitutional Updates and Reporting 29 - 30
To note changes to the Constitution made by the Leader to Part 3 (Executive) Scheme of Delegation following the dissolution of the Pennine Lancashire Building Control Joint Committee.
- e) Structure of Appointments Panel - Chief Operating Officer Recruitment 31 - 34
To confirm updated arrangements for the recruitment and appointment of a new Chief Operating Officer following the outcome of the local elections.

7. Questions

To deal with questions (if any) relating to matters not contained in the Minutes before the Council and of which notice in writing has been received in accordance with Standing Order Nos. 10(2) and 10(3).

Councillor Attendance

Please use the link below to access Councillor attendance records. You can refine your search by time or by committee.

<http://burnley.moderngov.co.uk/mgUserAttendanceSummary.aspx>



BURNLEY BOROUGH COUNCIL FULL COUNCIL

MECHANICS THEATRE

Thursday, 20th April, 2023

PRESENT

MEMBERS

Her Worshipful The Mayor (Councillor Cosima Towneley) in the Chair;

Councillors A Khan (Vice-Chair), A Anwar, H Baker, G Barton, G Birtwistle, C Briggs, S Chaudhary, S Cunliffe, A Fewings, S Graham, S Hall, J Harbour, B Horrocks, A Hosker, M Hurt, S Hussain, J Inckle, K Ingham, M Ishtiaq, L Khan, W Khan, J Launer, A Lewis, G Lishman, M Lishman, S Lone, J McGowan, L Mehanna, N Mottershead, A Raja, A Royle, C Sollis, M Steel, M Townsend and D Whitaker

OFFICERS

Lukman Patel	– Chief Operating Officer
Catherine Waudby	– Head of Legal and Democratic Services
Chris Gay	– Governance Manager
Alison McEwan	– Democracy Officer
Carol Eddleston	– Democracy Officer
CJ Walmsley	– Democracy Officer
David Bristow	– Mayor's Officer
Paul Barlow	– Graphic Designer

72 Minutes of Previous Meetings

RESOLVED The Minutes of the meetings of the Council held on the 22nd February and 5th April 2023 were confirmed and signed by the Chair.

73 Declarations of Interest

Cllrs Arif Khan and Shah Hussain declared a pecuniary interest in Minute 77 as Mayor and Deputy Mayor elect. Cllr Asif Raja declared an other prejudicial interest in Minute 77. They left the meeting and took no part in the discussion or decision.

74 Mayor's Communications

The Mayor thanked retiring members Councillors Ann Royle, Wajid, Lord Khan and Tracy Kennedy for their service to the Council.

She also thanked those in addition to herself who were standing for re-election – Councillors Sehrish Lone, Anne Kelly, Mark Townsend, Howard Baker, Sarah Hall, Charlie Briggs, John Harbour, Mohammed Ishtiaq and Lorraine Mehanna.

The Mayor presented the following Long Service Awards to Councillors:

8 Years – Councillors Mohammed Ishtiaq and Alan Hosker.

20 Years – Councillors Gordon Birtwistle, Margaret Lishman and John Harbour.

75 Responses to Accessible Streets Motion

The report and responses were noted.

76 Calendar of Meetings 2023/24

It was RESOLVED that the Calendar of Meetings for 2023/24 be approved.

77 Appointment of Mayor and Deputy Mayor 2023/24

Cllrs A Khan, S Hussain and A Raja left the room.

Council noted the position on the appointment of Mayor & Chair, and Deputy Mayor and Vice Chair for the municipal year 2023/24.

Cllrs A Khan, S Hussain and A Raja re-entered the room.

78 Constitutional Updates and Reporting

It was RESOLVED:

1. That Council approve the following amendment to the Constitution Part 3, the Scheme of Delegation (Council Functions) b) Licensing Committee delegated to the Head of Legal and Democratic Services. Section1 (a) to be amended with the addition of the text in BOLD below:
1 (a) To be responsible for determining applications for Hackney Carriage vehicle and driver licences, Private Hire vehicle and driver licences and Private Hire Operators' licences, and for applications for the renewal of existing licences... **including the power to attach any conditions to taxi licences that are necessary to reflect the requirements of an applicant's right to work status.**
2. That the call-in waiver be noted.
3. That the report detailing urgent Executive decisions made from January 2021 to April 2023 be noted.

79 Appointment of Chief Operating Officer

Council RESOLVED to:

- (a) Endorse the report;
- (b) Confirm the Appointment Committee's authority to conduct the recruitment within the financial parameters set out in this report;
- (c) Establish a budget of £20,000 for the cost of recruitment support and advertising as set out in the report;

80 Reports from Committee Chairs

RESOLVED That Committee Chair reports be noted.

81 Strategic Plan Progress Reports

RESOLVED That the Strategic Plan Progress Reports of Executive Members be noted.

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Constitution and appointments of Committees, Working Groups and Panels for the 2023/24 Municipal Year

REPORT TO FULL COUNCIL



DATE	23/05/2023
PORTFOLIO	None
REPORT AUTHOR	Carol Eddleston
	01282 475973
	ceddleston@burnley.gov.uk

PURPOSE

1. To update the appointments to Committees, Working Groups and Panels for the 2023/24 Municipal Year.

RECOMMENDATION

2. The Appointments Council is asked to:
 - i. Approve the committees, working groups and panels to be appointed as outlined in Appendix 1 to the report, including their size and terms of reference; and
 - ii. Approve the membership of each of the committees, working groups, forums and panels as outlined in Appendix 2 (**completed lists to follow**).

REASONS FOR RECOMMENDATION

3. To comply with legislation and to ensure that the Council continues to have an effective decision-making structure.

SUMMARY OF KEY POINTS

4. At the beginning of the Municipal Year the Council is required to decide which committees, working groups and panels to establish for the ensuing year and to make the appointments in accordance with the statutory political balance calculation where relevant, and as required by the Local Government and Housing Act 1989.
5. Burnley Borough Council Elections have been held in May 2023, and therefore Members are required to establish and appoint to committees, working groups, and panels for 2023-24 Municipal Year.
6. A list detailing the nominations to serve on the committees, working groups, and panels will be circulated as a supplement to this agenda, and Members will be asked to approve these nominations.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None

POLICY IMPLICATIONS

8. None

DETAILS OF CONSULTATION

9. Management Team, Group Leaders

BACKGROUND PAPERS

10. Political Balance Calculation (after election).

FURTHER INFORMATION

PLEASE CONTACT: Alison McEwan

**Burnley Borough Council
Constitution of Committees, Working Groups, Panels and Boards
for the Municipal Year 2023/24**

Audit and Standards Committee

9 Members- politically balanced

To include an Executive Member and the Chair of Scrutiny

To consider audit and risk management issues regarding the Council. To focus on the internal risk associated with service activities within the Council and associated recommendations for improvements in systems. To receive reports from the External Auditor on how the Council is performing on a range of activities. To approve the Annual Statement of Accounts.

To promote and maintain high standards of conduct within the Council. To advise the Council on the adoption or revision of its code of conduct. To regulate members pecuniary interests and interests other than pecuniary interests. To hear complaints referred to the Committee about Borough Council members and Parish/Town Council members within the Borough Boundary. To ensure that all members of the Council have access to training in all aspects of the member code of conduct, that this training is actively promoted, and that members are aware of the standards expected of local councillors under the code.

Development Control Committee

16 Members – politically balanced

To include relevant Executive Member

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (functions and responsibilities) (England) Regulations 2000 (the functions regulations).

The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations

The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations

Licensing Committee

15 Members - politically balanced

Relating to taxi, gaming, entertainment, food and miscellaneous licensing.

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and through its Sub Committees functions relating to taxis and the Licensing Act 2003, the Gambling Act 2005, Part 1 of the Health and Safety at Work Act 1974, Section 27 of the Local Government (Miscellaneous Provisions) Act 1982 and the Scrap Metal Dealers Act 2011.

Scrutiny Committee

17 Members - politically balanced – Executive members cannot sit on this Committee.

To provide strategic oversight of services and policy development by monitoring and reviewing the performance of the Council and recommending efficiencies and/or improvements accordingly and to monitor, review and make recommendations on the Council's strategic budget and objectives.

Member Structures and Support Working Group

12 Members – custom is to be politically balanced.

To include Group Leaders

To review and, as necessary draw up proposals for modernising the Council's Member Structures in the light of new legislation and best practice, and to make appropriate recommendations to full

Council. To keep under review the range of existing support and services provided for Council Members and to make recommendations, if necessary, to the appropriate Committees for improvements. To consider the annual Member Training and Development Programme (including induction training for new Council Members). To act as a Forum for the discussion of matters relating to how Members and officers work together. To deal with all matter relating to the provision and use of IT equipment by Members.

Police and Crime Panel

1 Member plus 1 substitute – politically balanced across the County.

This is a formally constituted joint committee, politically balanced, of all the authorities in the Lancashire force area.

At present, to meet the political balance across the Lancashire Authorities, Burnley has been requested to appoint from the ruling Group(s).

Appeals Committee (JNC)

3 Members – by qualification

To comprise 2 Executive and either the Chair or Vice Chair of Scrutiny member (not on the investigating Committee). (See Part 4.9 of the Constitution for further details.)

To consider appeals against dismissal, other disciplinary action, grading and grievances by employees of the Council not on NJC terms and conditions.

Appeals Panel (NJC)

3 Members - by qualification

To comprise 2 members of the Executive and 1 member of the Management Team.

To deal with the final stages of appeals against dismissal, other disciplinary action by employees of the Council who are on the conditions of service of the NJC for Local Government Services.

Redundancy Appeal Panel

3 Members - by qualification

To comprise any 3 members of the Executive for those employees covered by the Council's redundancy policy.

Joint Consultative Panel

3 Members - by qualification

To comprise 3 Members - Leader, Deputy Leader, Chair and Executive Member for Resources and Performance Management and 3 Trade Unions representatives.

To act as a forum for consultation and negotiation between the Council and Trade Union Representatives of employees subject to the national agreement of the NJC for Local Government Services and other employees

Parking and Traffic Regulations outside London (Patrol) Adjudication Joint Committee

1 Member plus substitute - by qualification

Representation consists of the relevant Executive Member (the Executive Member for Community and Environmental Services), with the substitute being from the largest opposition party.

The Committee is constitutionally and legally a joint committee between Burnley and other Local Authorities and has been established to adjudicate on parking and traffic regulations.

Political balance requirements are not necessary for the appointments due to the low number of Members being appointed.

EXECUTIVE APPOINTMENTS

The following appointments are to be made by the Executive at its first meeting of the new Municipal Year on 12 June 2023.

Traffic Regulation Order Sub Committee

3 Executive Members

To consider objections made to Traffic Regulation Orders and powers to amend or confirm Traffic Regulation Orders or refer them to the Executive for a decision.

Pennine Lancashire Leaders and Chief Executives Joint Committee (PLACE) by qualification

Representation on the Joint Committee consists of the Leader, with the substitute being the Deputy Leader.

The Committee is constitutionally and legally a statutory joint committee between Burnley and other Pennine Lancashire Local Authorities to oversee the role of Regenerate Pennine Lancashire. Political balance requirements are not necessary for the appointments due to the low number of Members being appointed.

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MEMBERSHIP OF COMMITTEES/WORKING GROUPS FOR 2023-24

SCRUTINY COMMITTEE-17 (L8 CX GX LDX B1) - as per Political Balance calculation

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

AUDIT AND STANDARDS COMMITTEE-9-to include 1 Executive member and the Chair of Scrutiny Committee (L4 CX GX LDX B1)

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

**DEVELOPMENT CONTROL COMMITTEE-16
-to include relevant Executive member (L7 CX GX LDX B1)**

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

LICENSING COMMITTEE-15 (L7 CX GX LDX B1)

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

MEMBER STRUCTURES AND SUPPORT WORKING GROUP

**-12 (L5 C2 G2 LD2 B1)
To include Group Leaders**

Councillors	Councillors

LANCASHIRE POLICE AND CRIME PANEL

(1 Member and 1 Substitute -from ruling Group(s), as per Secretariat)

Councillors	Councillors (sub)

PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON (PATROL)

ADJUDICATION JOINT COMMITTEE - 2

**Include relevant Executive Member
and 1 Member from largest opposition group (tbc)**

Councillors	Councillors
Exec Member Community and Environmental Services	

Agenda Item 6b

Nominations for Chairs and Vice Chairs of Committee 2023-24

Committee	Chair - Cllr	Vice Chair- Cllr
Audit and Standards <i>(neither Exec member nor Chair of Scrutiny)</i>		
Development Control		
Licensing		
Scrutiny		

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REPORT TO FULL COUNCIL



DATE	23rd May 2023
PORTFOLIO	None
REPORT AUTHOR	Carol Eddleston
TEL NO	01282 475973
EMAIL	ceddleston@burnley.gov.uk

Outside Bodies Appointments for 2023/24

PURPOSE

1. To seek appointments to the Council's Outside Bodies for 2023/24.

RECOMMENDATION

2. That Members approve the Outside Bodies list 2023/24 as outlined in Appendix 1.

REASONS FOR RECOMMENDATION

3. To ensure that the list of Outside Bodies to which the Council appoints Members and Officers contributes to the Council's Objectives.

SUMMARY OF KEY POINTS

4. Since Full Council in May 2007, there has been an agreed criteria for the inclusion of an Outside Body (OB) as set out below;
 - 1.The appointment was a Statutory requirement
 - 2.The appointment would make a direct and significant contribution to the Council's Strategic Objectives
 3. There was not significant cost and resource implications for the Council set against any benefit accrued.
 4. There would be a detrimental effect on the Council if it were not represented.
 - 5.The appointment would raise the profile of the Council at a National or Regional level
5. It should be noted that the majority of appointments to OBs are made by Full Council but are by qualification to the relevant Executive Member, as informed by their Executive Portfolios. In addition some OBs are appointed to directly by the Executive due to their function.
6. For completeness, please note that there are also two Leaders meetings which the Leader is invited to attend as a Lancashire Leader and which meet regularly during the year-
 - i) a Lancashire District Leaders Forum which is attended by District Leaders only (without Officers, apart from the Chair's secretariat support), and

ii) a more formal Lancashire Leaders Meeting which includes District, Unitary, and County Council Leaders and their Chief Executives.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None.

POLICY IMPLICATIONS

8. None.

DETAILS OF CONSULTATION

12. OB Appointees, Management Team, Group Leaders.

BACKGROUND PAPERS

13. None.

FURTHER INFORMATION

PLEASE CONTACT:

ALSO:

REPRESENTATION ON OUTSIDE BODIES 2023/24

	<u>Outside Body</u>	<u>Qualification 2022/23</u>	<u>Appointed 2022/23</u>	<u>Qualification 2023/24</u>	<u>Nominated 2023/24</u>
1.	Barnfield and Burnley Developments Limited - Directors *Appointed by the Executive.	Leader Chief Executive	At 14 th June Executive Cllr Anwar-L Chief Executive	Leader Chief Executive	For appointment At 12 th June Executive
2.	Burnley & Pendle Children's Partnership	Any Executive Member	Cllr Margaret Lishman-LD	Any Executive Member	
3.	Burnley Leisure – Trustees (D/E)	Any 2 Members (except Executive Members) (July 2022 FC appointments made; -1 Member for 2 years to July 2024, and -1 Member for 3 years to July 2025 - then both for 2 years in future)	Cllr Cunliffe-G Cllr Lewis-L	N/A	N/A Until July 2024 Until July 2025

	<u>Outside Body</u>	<u>Qualification 2022/23</u>	<u>Appointed 2022/23</u>	<u>Qualification 2023/24</u>	<u>Nominated 2023/24</u>
4.	Burnley Pendle and Rossendale Council for Voluntary Service – Executive Committee	Any 2 Members	Cllr Syeda Kazmi-L Cllr Anne Kelly-LD	Any 2 Members	
5.	Burnley and Pendle Citizens Advice Bureau	Executive Member for Community and Environmental Services 1 Experienced Opposition Member	Cllr Shah Hussain-L Cllr Mike Steel-C	Executive Member for Community and Environmental Services 1 Experienced Opposition Member	
6.	Burnley Private Rented Sector Forum	Executive Member for Housing Chair of Scrutiny Committee	Cllr John Harbour-L Cllr Howard Baker-LD	Executive Member for Housing Chair of Scrutiny Committee	
7.	Burnley Improvement District Board	Strategic Head of Economy and Growth	Kate Ingram	Strategic Head of Economy and Growth	
8.	Burnley Together Steering Group	Executive Member for Health and Well Being Chief Operating Officer	Cllr Margaret Lishman-LD Lukman Patel Rob Dobson	Executive Member for Health and Well Being Chief Operating Officer	

	<u>Outside Body</u>	<u>Qualification 2022/23</u>	<u>Appointed 2022/23</u>	<u>Qualification 2023/24</u>	<u>Nominated 2023/24</u>
		Head of Policy and Engagement		Head of Policy and Engagement	
9.	Covid 19 Economic Recovery Board	Leader Experienced Opposition Member	Cllr Afrasiab Anwar-L Cllr Karen Ingham-C	Leader Experienced Opposition Member	
10.	East Lancashire Health and Well Being Partnership	Executive Member for Health & Wellbeing	Cllr Margaret Lishman-LD	Executive Member for Health & Wellbeing	
11.	Growth Lancashire (E)	1 Public Sector Director - Executive Member for Economy and Growth	Cllr Mark Townsend-L	1 Public Sector Director - Executive Member for Economy and Growth	
12.	Housing Joint Venture Contract *Appointed by the Executive	Council Representative s- Executive Member for Housing Chief Operating Officer	At 14 th June Executive Cllr John Harbour-L Chief Operating Officer	Executive Member for Housing Chief Operating Officer	For appointment at 12 th June Executive

	<u>Outside Body</u>	<u>Qualification 2022/23</u>	<u>Appointed 2022/23</u>	<u>Qualification 2023/24</u>	<u>Nominated 2023/24</u>
		<u>Stakeholder Representative</u> S- Leader - Chief Executive -Strategic Head of Economy and Growth	At 14 th June Executive Cllr Afrasiab Anwar-L Chief Executive Kate Ingram	Leader - Chief Executive -Strategic Head of Economy and Growth	For appointmen ent at 12 th June Executive
12.	LCC Health Scrutiny Committee (same Membership for Joint Lancashire Health Scrutiny Committee)	Any Member of Scrutiny Committee Sub: Any Member of Scrutiny Committee	Cllr Gail Barton-L Cllr Gordon Birtwistle-LD	Any Member of Scrutiny Committee Sub: Any Member of Scrutiny Committee	
14.	Lancashire Waste Partnership	Executive Member for Community and Environmental Services	Cllr Shah Hussain-L	Executive Member for Community and Environmental Services	
15.	LEP Scrutiny Committee	Any Member (except Leader) Sub: Any Member (except Leader)	Cllr Mark Townsend-L Cllr Gordon Birtwistle-LD	Any Member (except Leader) Sub: Any Member (except Leader)	

	<u>Outside Body</u>	<u>Qualification 2022/23</u>	<u>Appointed 2022/23</u>	<u>Qualification 2023/24</u>	<u>Nominated 2023/24</u>
16.	Local Government Association	Leader	Cllr Afrasiab Anwar-L	Leader	
17.	North Western Local Authorities Employers' Organisation	Executive Member for Resources and Performance Management Sub: Any Executive Member	Cllr Sue Graham-L Cllr Margaret Lishman -LD	Executive Member for Resources and Performance Management Sub: Any Executive Member	
18.	Pennine Prospects	Any Member	Cllr Sue Graham-L	Any Member	

SECTION 2 - PERIOD APPOINTMENTS

	<u>Outside Body</u>	<u>Qualification 2022/23</u>	<u>Appointed 2022/23</u>	<u>Qualification 2023/24</u>	<u>Appointed 2023/24</u>
20.	Burnley Acorn Fund- (periods of four years)	3 Any Members (to expire Oct 2024) 2 Members required due to retirement of Cllr Cant and Foster in May 2022 (to Oct 2024)	Cllr Syeda Kazmi-L (from May 2022 to Oct 2024) Cllr Gordon Birtwistle-LD	3 Any Members (to expire Oct 2024) Cllr Syeda Kazmi-L (from May 2022 to Oct 2024) Cllr Gordon Birtwistle-LD	1 Member required due to retirement of Cllr Royle in May 2023 (to Oct 2024)

	<u>Outside Body</u>	<u>Qualification 2022/23</u>	<u>Appointed 2022/23</u>	<u>Qualification 2023/24</u>	<u>Appointed 2023/24</u>
		Section 151 Officer Ex Officio	(from May 2022 to Oct 2024) Cllr Ann Royle (from Nov 2020 to Oct 2024) Howard Hamilton-Smith (Section 151 Officer Ex Officio)	(from May 2022 to Oct 2024) Section 151 Officer Ex Officio	
21.	Stocks Massey Bequest- Represent- ative Trustees (periods of four years)	Any Executive Member (Term May 2020 – May 2023) Chair of Scrutiny Committee (Term May 2022 - May 2024)	Cllr John Harbour (Replaced Cllr Emo at FC 29 October for term November 2020 – May 2023) Cllr Howard Baker	Any Executive Member (New term May 2023 – May 2027) Chair of Scrutiny Committee	(May 2023 – May 2027) (May 2022-May 2024)

Meetings held in Daytime, unless as stated below;

E - Evening

D/E - Daytime/Evening

Constitutional Amendments and Reporting

REPORT TO FULL COUNCIL



DATE	23rd May 2023
PORTFOLIO	Leader
REPORT AUTHOR	Carol Eddleston
TEL NO	01282 475973
EMAIL	ceddleston@burnley.gov.uk

PURPOSE

1. To inform Members of changes made by the Leader to Part 3 (Executive) Scheme of Delegation following the dissolution of the Pennine Lancashire Building Control Joint Committee.

RECOMMENDATION

2. That it be noted that, on 26th April 2023, the Leader agreed an amendment to the delegation to the Head of Housing and Development Control following the dissolution of the Pennine Lancashire Building Control Joint Committee.

The amendment (additional text) is highlighted in bold:

“Notwithstanding a delegation to any other Head of Service, to exercise the Council’s statutory powers and functions in **Parts I, II, III, IV and V** of the Building Act 1984 including, but not limited to, serving notices, obtaining warrants and authorising officers for the purpose of those powers and functions.

REASONS FOR RECOMMENDATION

3. To ensure that the requirements of the Constitution are upheld and transparency is maintained.
4. To ensure the Constitution is kept up to date and to enable decisions to be taken promptly.

SUMMARY OF KEY POINTS

5. At Full Council on 13 April 2022, Members were informed about the proposed withdrawal from the Joint Agreement of Pennine Lancashire Building Control by the Executive, and accordingly that Part 3 of the Council’s constitution would be amended at the appropriate time.

6. The exit arrangements from the Joint Agreement have now been completed and it is timely to update the Constitution to ensure that the appropriate delegations to the Head of Housing and Development Control are in place.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

None.

POLICY IMPLICATIONS

None.

DETAILS OF CONSULTATION

Member Structures and Support Working Group.

BACKGROUND PAPERS

None

FURTHER INFORMATION

PLEASE CONTACT: Carol Eddleston

ALSO: Alison McEwan

Amendment to the Constitution - Appointment of Chief Operating Officer

REPORT TO FULL COUNCIL



DATE	2305/2023
PORTFOLIO	Leader
REPORT AUTHOR	Vicky White
TEL NO	01282 477124
EMAIL	vwhite@burnley.gov.uk

PURPOSE

1. To confirm updated arrangements for the recruitment and appointment of a new Chief Operating Officer following the outcome of the local elections.

RECOMMENDATION

2. That the Council be recommended to:
 - (a) Approve a change to Part 4h of the Constitution – Officer Employment Procedure Rules as set out in this report; and
 - (b) Confirm that the revised methodology will be applied to the formation of the Appointments Committee for the current Chief Operating Officer vacancy if there is an equality of seats between the largest opposition groups.

REASONS FOR RECOMMENDATION

3. To ensure that the Council makes appropriate arrangements for recruiting a new Chief Operating Officer taking into account changes in Council membership.

SUMMARY OF KEY POINTS

4. At Council on 20th April 2023 approval was given to the establishment of a budget, and to the process for the recruitment and appointment of a new Chief Operating Officer following the appointment of Lukman Patel as Chief Executive from 11th August 2023. Members will note that the post has currently been advertised.
5. It was agreed that a report would be returned to Full Council to consider the composition of the appointments committee if considered necessary following the outcome of the local elections.

6. **Appointments Committee**

The protocol which has to be followed for appointing a Chief Operating Officer is set out in the Constitution. An Appointments Committee is to be formed and, to ensure that there is appropriate cross-party representation on that Committee, the constitution sets out that the Committee should comprise of the Leader or Deputy Leader, the relevant Executive Member, the Chair (or Vice-Chair) of Scrutiny Committee and the Chief Executive.

7. In the event that the membership of the Committee does not include at least one Member of an opposition group then the Leader of the largest opposition group will be substituted for the Scrutiny place on the Committee. If required, Group Leaders will be able to nominate substitutes.
8. Following the recent elections, the make-up of the Council is as follows: Labour 21, Conservative 7, Green 7, Liberal Democrat 7 and Burnley & Padiham Independent 3. There are three opposition groups tied on 7 seats. Therefore, if the Chair of Scrutiny was not appointed from an opposition group, it is conceivable that no single group would clearly be the largest opposition group. It is likely that two or more groups would be tied.
9. In order to enable the efficient conduct of the Appointments Committee now and in future it is proposed to amend Paragraph 5 of Part 4h of the Constitution – Officer Employment Procedure Rules to read:

Appointment of officers on JNC Terms and Conditions (other than the Chief Executive or Heads of Service) – i.e. Chief Operating Officer.

The Appointments Committee will comprise:

Leader or Deputy Leader

Relevant Executive Member

Chair (Vice Chair as sub) of the Scrutiny Committee

Chief Executive

If, by the application of these Rules the membership of the Committee does not include at least one Member of an opposition group, then the Leader of largest opposition group (or their nominee) will be substituted for the Scrutiny Chair place on the Committee. In the event that there is more than one largest opposition group i.e. there is an equality of seats between two or more groups, the group leaders of those groups will be asked to agree between them who will sit on the appointments committee. If no consensus can be reached on a single nominee between the said largest opposition group leaders, then lots shall be drawn to determine who will sit on the appointments committee.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. None

POLICY IMPLICATIONS

11. None

DETAILS OF CONSULTATION

12. Leader of the Council
Member Structures Working Group

BACKGROUND PAPERS

13. None

FURTHER INFORMATION

PLEASE CONTACT:

**Vicky White, Strategic HR Manager
01282 477124**

ALSO:

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