

## CONSTITUTIONAL REPORTING AND APPOINTMENTS TO COMMITTEES

### FULL COUNCIL



<b>DATE</b>	<b>27<sup>th</sup> September 2023</b>
<b>PORTFOLIO</b>	<b>Leader</b>
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### PURPOSE

1. To consider a report on waivers of call-in.
2. To note the impact on the political balance of the Council and approve consequential appointments to the membership of committees following the recent disbanding of the Burnley and Padiham Independents Party and Group, the resignation of Councillor Fewings and the decision of Councillor Briggs to join the Labour Group.
3. To consider the following amendments to the Constitution Part 3, the Scheme of Delegation
  - i) 1. Council Functions – b) Licensing Committee  
Add Pollution Prevention and Control Act 1990 and Environmental Permitting (E&W) Regulations 2016 to the list of delegations to the Head of Street Scene at paragraph 1, and consequently
  - ii) 2. Executive Functions  
Remove Pollution Prevention and Control Act 1990 from the list of delegations to the Head of Street Scene relating to Environmental Protection at paragraph 30.

### RECOMMENDATION

4. That Council note the call-in waivers relating to an urgent Executive decision taken by the Chief Executive and urgent Executive decisions (Appendices 1 to 3).
5. That Council note the change in the Political Balance of the Council following the disbanding of the Burnley and Padiham Independent group, the resignation of Councillor Fewings, and the decision by Councillor Briggs to join the Labour Group; AND approve consequential changes to committees. (Appendix 4 (to follow)).

6. That Council agree to the following amendments to the Constitution Part 3, the Scheme of Delegation
  - i) 1. Council Functions – b) Licensing Committee  
Add Pollution Prevention and Control Act 1999, Environmental Permitting (E&W) Regulations 2016 to the list of delegations to the Head of Street Scene at paragraph 1.
  - ii) 2. Executive Functions  
Remove Pollution Prevention and Control Act 1999 from the list of delegations to the Head of Street Scene relating to Environmental Protection at paragraph 30.

## **REASONS FOR RECOMMENDATION**

7. To ensure that the requirements of the Constitution are upheld, and transparency is maintained.
8. To ensure that committee seats are politically balanced as required by the Local Government and Housing Act 1989, and appointments are up to date.
9. To ensure the most appropriate route for decision making related to these functions.

## **SUMMARY OF KEY POINTS**

10. Part 4.5 of the Council's Constitution requires that any waiver of call-in be reported to Full Council. Since the last meeting of Full Council the Chair of the Scrutiny Committee agreed to call-in being waived in relation to the following decisions:
  - Acquisition of Properties for Temporary Accommodation - Urgent Executive Decision taken by the Chief Executive on 14<sup>th</sup> August 2023 (see Appendix 1).
  - Levelling Up Fund – Newtown Mill – Urgent Executive Decision taken by the Executive on 16<sup>th</sup> August 2023 (see Appendix 2).
  - Nicholas Street Redevelopment – Urgent Executive Decision taken by the Executive on 16<sup>th</sup> August 2023 (see Appendix 3).
11. The Chief Executive was notified on 17<sup>th</sup> August that the Burnley and Padiham Independents Party and Group had been disbanded and that they would now sit on the Council as standalone Independent members. On 9<sup>th</sup> September the Chief Executive received notification of Councillor Fewings' resignation as a borough councillor with immediate effect. On 16<sup>th</sup> September the Council received notification that Councillor Briggs had become a member of the Labour Group.
12. Accordingly the political balance and resulting changes to committee places have been calculated. Group Leaders have been asked to submit the details of nominations and removals from Committees to give effect to the calculation. Details

will be shared as a supplement once groups have had the opportunity to consider. (Appendix 4 (to follow)).

13. Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out a limited number of 'functions which may be (but need not be) the responsibility of an authority's Executive'.
- i. Paragraph 11 of Schedule 2 sets out that 'the discharge of any function relating to the control of pollution or the management of air quality' falls within this category.
  - ii. This function is currently allocated as an Executive Function in Part 3 of the Constitution – Scheme of Delegation, and delegated to the Head of Streetscene.
  - iii. Any Officer is permitted to decline to exercise their delegations. In this situation the power reverts back to the parent committee (the Executive in this case).
  - iv. Officers propose that the functions related to the Acts set out in para 6i be re-classified as Council Functions, delegated to the Head of Streetscene under the Licensing Committee. Should the Head of Streetscene decline to exercise the delegation the Licensing Committee could make any determination required.

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

14. None.

#### **POLICY IMPLICATIONS**

15. None.

#### **DETAILS OF CONSULTATION**

16. Member Structures and Support Working Group.

#### **BACKGROUND PAPERS**

17. None.

#### **FURTHER INFORMATION**

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