



Annual & Appointments Meeting of the Burnley Borough Council

To be held at 4.00 pm on
Wednesday, 17th May, 2017



Sir or Madam,

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

DATE: Wednesday, 17th May, 2017

starting at 4.00 pm

To transact the business specified below.

Lukman Patel
Head of Governance, Property, Law and Regulation

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 Governance, Property, Law and Regulation 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 at the Contact Centre, Parker Lane, Burnley or from the web at: www.burnley.gov.uk/meetings. Requests will be dealt with in the order in which they are received.

A G E N D A

1. Election of Mayor
To elect the Mayor of the Borough and Chair of the Council for the 2017/18 Municipal Year.
2. Vote of Thanks to the retiring Mayor
To move a vote of thanks to the retiring Mayor for his services during the past municipal year.
3. Appointment of Deputy Mayor
To appoint a Deputy Mayor and Vice-Chair of the Council.
4. Mayor's Communications
To receive communications (if any) from His Worship the Mayor.

Adjournment

The meeting will adjourn for refreshments and reconvene at 6.30pm

5. Minutes of the Last Meeting 5 - 8
To receive, as read, the Minutes of the proceedings of the previous Council meeting, and to confirm them or otherwise.
6. Declarations of Interest
To receive any declarations of interest.
7. Public Question Time
To receive questions, statements or petitions (if any) from members of the public.
8. Items for Decision by the Council
- a) The Executive and their portfolios for 2017/18 To Follow
To note the Executive and their portfolios for 2017/18.
- b) Appointments to Committees, Working Groups and Panels 2017/18 9 - 16
To appoint to committees, working groups and panels for the 2017/18 Municipal Year.
- c) Appointment of Chairs and Vice Chairs of Scrutiny, Regulatory and other Committees 2017/18 To Follow
To consider the appointment of Chairs and Vice Chairs of Scrutiny, Regulatory and other Committees for the 2017/18 Municipal year.
- d) Appointments to Outside Bodies for 2017/18 17 - 26
To consider the appointment of representatives to serve on various outside bodies for the 2017/18 Municipal year.
- e) Updates to the Constitution 27 - 32
To consider updates to the constitution regarding the Scheme of Delegation, and to receive, for information, details of an urgent decision taken by the Chief Executive.
9. 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 No. 10(2).



FULL COUNCIL

BURNLEY TOWN HALL

Wednesday, 12th April, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors J Sumner (Chair), H Baker (Vice-Chair), G Birtwistle, C Briggs, B Brindle, M Brindle, F Cant, I Carmichael, J Cunningham, T Ellis, B Foster, S Graham, J Greenwood, J Harbour, T Harrison, D Heginbotham, A Hosker, S Hussain, M Ishtiaq, M Johnstone, A Kelly, A Khan, L Khan, W Khan, S Malik, E Monk, N Mottershead, L Pate, M Payne, T Porter, A Raja, P Reynolds, D Roper, A Royle, A Tatchell, M Townsend and C White

OFFICERS

Pam Smith	Chief Executive
Lukman Patel	Head of Governance, Property, Law and Regulation
Amanda Rumbelow	Property Solicitor
Eric Dickinson	Democracy Officer
Imelda Grady	Democracy Officer
Claudia Wilcock	Business Administration Apprentice
David Farrar	Mayor's Officer

77. Minutes of the Last Meeting

RESOLVED

The Minutes of the meeting of the Council held on the 29th March 2017 were confirmed and signed by the Chair.

78. Declarations of Interest

Councillor Howard Baker and Councillor Charlie Briggs declared a disclosable pecuniary interest in the item relating to the Appointment of a Mayor and Deputy Mayor for the Municipal Year 2017/18.

79. Town Centre Master Plan

With reference to Minute 113 of the Executive (27th March 2017) consideration was given to the establishment of a budget for a Town Centre Master Plan.

RESOLVED

That a budget of £100,000 be established for the Town Centre Master Plan, as outlined in paragraph 15 of the report.

80. Calendar of Meetings 2017/18

Consideration was given to a calendar of meetings for the 2017/18 Municipal Year.

RESOLVED

That a Calendar of meetings for 2017/18 be approved based on a 12 week cycle as set out in Appendix 1 to the report.

81. Appointment of Mayor and Deputy Mayor 2017/18

Councillor Howard Baker and Councillor Charlie Briggs left the room and did not take any part in this item.

Consideration was given to the position regarding the appointment of the Mayor and Chair of the Council and Deputy Mayor and Vice-Chair of the Council for the Municipal Year 2017/18.

RESOLVED

That the position on the appointment of Mayor and Chair and Deputy Mayor and Vice-Chair for the municipal year 2017/18 be noted.

82. Committee and Outside Body Appointments 2016/17

Consideration was given to the appointment of Councillors for the remainder of the Municipal Year 2016/17 following the resignation of Councillor Bill Brindle and Councillor Margaret Brindle

RESOLVED

That the following appointments to Committees be made for the remainder of the 2016/17 Municipal Year;

- (1) Councillor Margaret Brindle as the Free Independent member to replace Councillor Ann Royle as the Labour member on the Scrutiny Committee

- (2) Councillor Margaret Brindle as the Free Independent member to replace Councillor Gordon Birtwistle as the Liberal Democrat member on the Development Control Committee;
- (3) Councillor Bill Brindle as the Free Independent member on the Licensing Committee
- (4) Councillor Gordon Birtwistle as the Liberal Democrat member to replace Councillor Margaret Brindle on the Licensing Committee
- (5) Councillor Ann Royle as the Labour member to replace Councillor Gordon Birtwistle on the Audit and Standards Committee; and .
- (6) Councillor Margaret Brindle as the Free Independent member to replace Councillor Margaret Lishman as the Liberal Democrat member on the Member Structures and Support Working Group.

83. Constitutional Updates

Consideration was given to minor amendments to Part 5.2 of the constitution made by the Monitoring Officer, relating to the Code of Conduct for Employees which includes the Whistleblowing Policy, and to the changes made to Part 3 of the constitution by the Leader relating to the Scheme of Delegation for various Officers.

RESOLVED

- (1) That the minor amendments to Part 5.2 of the constitution made by the Monitoring Officer relating to the Code of Conduct for Employees which includes the Whistleblowing Policy, be noted; and
- (2) That the changes made to Part 3 of the constitution by the Leader as follows, be noted;
 - (a) Head of Governance , Law, Property and Regulation relating to businesses (Appendix 1);
 - (b) Head of Regeneration and Planning Policy relating to Neighbourhood Area applications (Appendix 2);and
 - (c) Chief Operating Officer relating to acceptance of bids (Appendix 3).

84. Report from the Chair of Scrutiny

RESOLVED

That the Cycle 5 report of the Scrutiny Chair be noted.

85. Strategic Plan Progress Reports

RESOLVED

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

86. Exclusion of the Public

RESOLVED

That the public be excluded from the meeting before discussion takes place on the next items of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority holding that information

87. Padiham Leisure Centre Refurbishment

With reference to Minute 115 of the Executive (25th April 2017) consideration was given to the establishment of a new budget for the Padiham Leisure Centre replacement gym equipment

RESOLVED

That the establishment of a new budget in the 2017/18 Capital Programme be approved for the Padiham Leisure Centre replacement gym equipment for £155,000, funded through prudential borrowing with repayments being funded from contributions from the Leisure Trust contingency budget and income from the residual value of the old gym equipment.

Constitution and appointments of Committees, Working Groups, Forums and Panels for the 2017/18 Municipal Year

REPORT TO FULL COUNCIL



DATE	17/05/2017
PORTFOLIO	None
REPORT AUTHOR	Imelda Grady
TEL NO	01282 477258
EMAIL	igrady@burnley.gov.uk

PURPOSE

1. To appoint Committees, Working Groups, Forums and Panels for the 2017/18 Municipal Year.

RECOMMENDATION

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

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. The Council is required at the beginning of the municipal year to decide which committees, sub-committees, working groups, forums 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. A list detailing the nominations to serve on the committees, working groups, forums and panels will be circulated at the meeting of the Full Council on 17th May and Members will be asked to approve these nominations.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. None

POLICY IMPLICATIONS

7. None

DETAILS OF CONSULTATION

8.

BACKGROUND PAPERS

9. None

FURTHER INFORMATION

PLEASE CONTACT: Imelda Grady

ALSO:

**Burnley Borough Council
Constitution of Committees, Working Groups, Panels and Boards
for the Municipal Year 2017/18**

Scrutiny Committee

17 Members - politically balanced

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

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 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.

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

Three Tier Forum

6 Members - not politically balanced

This forum involves the County, Borough and Parish representatives in discussing relevant issues. Of the 6 Borough Members appointed by Full Council. In 2016/17 there were 4 Labour, 1 Liberal Democrat and 1 Conservative. However, it has not met during 2016/17 and currently Lancashire County Council is reviewing its approach to working with districts. Officially, it has never been formally abolished and appointments continue to be made subject to clarification of its status.

Police and Crime Panel

1 Member plus 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 is required to appoint one Labour member and one Labour substitute.

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 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 will be made by the Executive at its meeting on 6th June 2017

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 Building Control Joint Committee

by qualification

Representation on the PLBC Joint Committee consists of the Executive Member for Housing and Environment, with the substitute being the Executive Member for Resources.

The Committee is constitutionally and legally an Executive joint committee between Burnley and Blackburn with Darwin Local Authorities and has been established to in relation to the Building Control Service, including the enforcement of Building Regulations, in the Joint Area. Political balance requirements are not necessary for the appointments due to the low number of Members being appointed.

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 2017-18

SCRUTINY COMMITTEE-17 (10:4:2:1)

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

AUDIT and STANDARDS COMMITTEE-9 (6:2:1:0)

-to include 1 Executive member and the Chair of Scrutiny Committee

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

DEVELOPMENT CONTROL COMMITTEE-16 (10:4:1:1)

-to include relevant Executive member

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

LICENSING COMMITTEE-15 (10:3:1:1)

**CHAIR –
VICE CHAIR –**

Councillors	Councillors

**MEMBER STRUCTURES AND SUPPORT WORKING GROUP-12 (7:3:1:1)
To include Group Leaders**

Councillors	Councillors

**LANCASHIRE POLICE AND CRIME PANEL
(1 Labour member and 1 Labour substitute)**

Councillors	Councillors

3 TIER FORUM -6 (4:1:1:0)

Councillors	Councillors

**PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON (PATROL)
ADJUDICATION JOINT COMMITTEE - 2**

**Include relevant Executive Member
and 1 member from largest opposition group (Lib Dem)**

Councillors	Councillors

REPORT TO FULL COUNCIL



DATE	17th May 2017
PORTFOLIO	None
REPORT AUTHOR	Eric Dickinson
TEL NO	01282 477256
EMAIL	edickinson@burnley.gov.uk

Outside Bodies Appointments for 2017/18

PURPOSE

1. To seek appointments to the Council’s Outside Bodies for 2017/18.

RECOMMENDATION

2. (1) That Members approve the Outside Bodies list for 2017/18 attached as Appendix 1;

 (2) That the Head of Governance, Law, Property & Regulation be given delegated authority, in consultation with the Leader, to agree Calico’s 4 independent persons nominations to its Board.

REASONS FOR RECOMMENDATION

3. To ensure that the Outside Bodies list, which the Council appoints Members and Officers to, 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. That the balances of risk having been considered there would be a detrimental effect on the Council were it not represented.
 - 5.The appointment would raise the profile of the Council at a National or Regional level

Since May 2007 Members who have been appointed to OB have been asked annually to complete a report on their activities.

Every two years a review has been undertaken of the OB list to complement the annual OB appointments process at the Appointments Council in May of each year. The last biennial review took place in May 2015, and so the next one is now due in May 2017.

5. An analysis of the 2015/16 returns from Members and Officers received in March/April 2016 confirmed generally that the criteria for continued OB inclusion on the list has been met, but also led to the following specific recommendations for changes to the OB list (Appendix 1) for 2016/17 at the 18th May 2016 Full Council being agreed, as follows;

- That Burnley College be removed from the OB list following the expiry of the Council's current appointments
- That delegated authority be given to the Head of Governance, Law & Regulation, in consultation with the Leader, to agree Calico's 4 independent persons nominations to its Board
- That a review of the Council's involvement with East Lancashire into Employment be carried out during 2016/17

6. An analysis of the 2016/17 returns from Members and Officers received in March/April 2017 confirmed generally that the criteria for continued OB inclusion on the list has been met, but also following feedback relating to the specific Outside Bodies outlined below, the actions below are being taken to resolve any issues;

- East Lancashire Into Employment- the company is being voluntarily liquidated, and Burnley and Hyndburn councils are appointing one councillor each to conclude the formalities over the next Municipal year.
- Burnley and Pendle Citizens Advice Bureau (BPCAB)- it has been confirmed that the OB is still active
- Police and Crime Commissioner Quarterly Community Safety Portfolio Holders (PCCQCSPH) – it is being confirmed whether the OB is still active
- Lancashire Waste Partnership (LWP) – continue Member appointment
- Marketing Lancashire- contact arrangements corrected

8. The following specific recommendations for changes to the OB list (Appendix 1) for 2017/18 are therefore proposed for the 17th May 2017 Full Council meeting;

- East Lancashire Into Employment – One Councillor only to be appointed by the Council

9. It should also be noted that regrading the Acorn Fund, Cllr Howard Baker will have an ex-officio position on the Board as Mayor during 2017/18, therefore there will be a vacancy on the Board after May 2017 (term expires 2020).

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. None.

POLICY IMPLICATIONS

11. None.

DETAILS OF CONSULTATION

12. Group Leaders.

BACKGROUND PAPERS

13. Pro forma Member and Officer returns 2015/16 and 16/17.

FURTHER INFORMATION

PLEASE CONTACT:

ALSO:

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**REPRESENTATION ON OUTSIDE BODIES
FOR THE MUNICIPAL YEAR 2017/18**

	Outside Body	Qualification 2016/17	Appointed 2016/17	Qualification 2017/18	Nominated 2017/18
1.	Barnfield and Burnley Developments Limited -Directors	Leader Chief Executive	Cllr Mark Townsend Pam Smith Appointed by the Executive	Leader Chief Executive	Leader Chief Executive
2.	Burnley & Pendle Children's Partnership	Executive Member for Leisure & Culture	Cllr Bea Foster	Executive Member for Leisure & Culture	Executive Member for Leisure & Culture
3.	Burnley Education Trust	Chief Executive	Pam Smith	Chief Executive	Chief Executive
4.	Burnley Leisure – Directors (E)	Any 2 Members	Cllr Tony Harrison Cllr Asif Raja	Any 2 Members	Any 2 Members
5.	Burnley Pendle and Rossendale Council for Voluntary Service – Executive Committee	1 Member Any Executive Member	Cllr Tony Martin Cllr Bea Foster	1 Member Any Executive Member	1 Member Any Executive Member

	Outside Body	Qualification 2016/17	Appointed 2016/17	Qualification 2017/18	Nominated 2017/18
6.	Burnley and Pendle Citizens Advice Bureau (E)	Executive Member for Community Services 1 Experienced Opposition Member	Cllr Lian Pate Cllr Margaret Brindle	Executive Member for Community Services 1 Experienced Opposition Member	Executive Member for Community Services 1 Experienced Opposition Member
7.	Burnley Private Rented Sector Forum (D/E)	Executive Member for Housing and Environment Chair of Scrutiny Committee	Cllr John Harbour Cllr Andy Tatchell	Executive Member for Housing and Environment Chair of Scrutiny Committee	Executive Member for Housing and Environment Chair of Scrutiny Committee
8.	Burnley Town Centre Partnership	Executive Member for Regeneration and Economic Development Vice Chair of Scrutiny Committee	Cllr Sue Graham Cllr Anne Kelly	Executive Member for Regeneration and Economic Development Vice Chair of Scrutiny Committee	Executive Member for Regeneration and Economic Development Vice Chair of Scrutiny Committee
9.	Calico Board of Management – Annual General meeting Voting Rights (E)	Director of Community Services	Mick Cartledge	Director of Community Services	Director of Community Services
10.	East Lancashire Health and Well Being Partnership	Any Executive Member	Cllr Sue Graham	Any Executive Member	Any Executive Member

	Outside Body	Qualification 2016/17	Appointed 2016/17	Qualification 2017/18	Nominated 2017/18
11.	East Lancashire Into Employment Co. Ltd – Directors	Executive Member for Regeneration and Economic Development Any Executive Member	Cllr Sue Graham Cllr Bea Foster	Executive Member for Regeneration and Economic Development	Executive Member for Regeneration and Economic Development
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 Lubna Khan Sub: Cllr Jean Cunningham	Any Member of Scrutiny Committee Sub: Any Member of Scrutiny Committee	Any Member of Scrutiny Committee Sub: Any Member of Scrutiny Committee
13.	Lancashire Waste Partnership	Executive Member for Community Services	Cllr Lian Pate	Executive Member for Community Services	Executive Member for Community Services
14.	Local Government Association	Leader	Cllr Mark Townsend	Leader	Leader
15.	Marketing Lancashire (previously called Lancashire Tourism Forum)	Executive Member for Regeneration and Economic Development	Cllr Sue Graham	Executive Member for Regeneration and Economic Development	Executive Member for Regeneration and Economic Development

	Outside Body	Qualification 2016/17	Appointed 2016/17	Qualification 2017/18	Nominated 2017/18
16.	North Western Local Authorities Employers' Organisation	Executive Member for Resources and Performance Management Sub: Any Executive Member	Cllr Wajid Khan Sub: Cllr Mark Townsend	Executive Member for Resources and Performance Management Sub: Any Executive Member	Executive Member for Resources and Performance Management Sub: Any Executive Member
17.	Over Fifties Forum	Any Member	Cllr Ann Royle	Any Member	Any Member
18.	Police and Crime Commissioner Quarterly Community Safety Portfolio Holders	Executive Member for Community Services	Cllr Lian Pate	Executive Member for Community Services	Executive Member for Community Services
19.	Regenerate Pennine Lancashire Combined Body -(From 101214) NOW "GROWTH LANCASHIRE"	1 Public Sector Director Leader and An Alternate Director -the Executive Member for Regeneration and Economic Development	Cllr Mark Townsend and Cllr Sue Graham	1 Public Sector Director Leader and An Alternate Director -the Executive Member for Regeneration and Economic Development	1 Public Sector Director Leader and An Alternate Director -the Executive Member for Regeneration and Economic Development

SECTION 2 - PERIOD APPOINTMENTS

	<u>Outside Body</u>	<u>Qualifications 2016/17</u>	<u>Appointed 2016/17</u>	<u>Qualifications 2017/18</u>	<u>Appointed 2017/18</u>
20.	Burnley Acorn Fund- (periods of four years)	3 Members (from Oct 2016 to Oct 2020) Director of Resources is Ex Officio	3 Members (from Oct 2016 to Oct 2020) Cllr Howard Baker Cllr Jean Cunningham Cllr Ann Royle Director of Resources is Ex Officio	3 Members (from Oct 2016 to Oct 2020) *1 Any Member to fill vacancy due to Cllr Howard Baker (Mayor Elect) becoming ex officio from May 2017 (from May 2017 to Oct 2020) Director of Resources is Ex Officio	*1 Any Member (from May 2017 to Oct 2020) Section 151 Officer Ex Officio
21.	Stocks Massey Bequest- Representative Trustees (periods of four years)	Relevant Executive Member-Leisure and Culture (term May 2016-May 2020) Chair of Scrutiny Committee (term expires May 2018)	Cllr Bea Foster (term May 2016-May 2020) Cllr Andy Tatchell (term expires May 2018)	Relevant Executive Member-Leisure and Culture (term May 2016-May 2020) Chair of Scrutiny Committee (term expires May 2018)	None None

Meetings held in Daytime, unless as stated below;

E - Evening

D/E - Daytime/Evening

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Constitutional Updates and Council Delegations

REPORT TO FULL COUNCIL



DATE	17/05/2017
PORTFOLIO	Leader
REPORT AUTHOR	Eric Dickinson
TEL NO	01282 477256
EMAIL	edickinson@burnley.gov.uk

PURPOSE

1. To inform Members of the changes made to Part 3 of the constitution by the Leader , relating to the Scheme of Delegation, for the Head of Governance, Law, Property & Regulation.

2. To inform Members of an Urgent Executive decision made by the Chief Executive and related waiver of call-in, and associated Urgent Council decision made by the Chief Executive, regarding Grove Lane in Padiham.

RECOMMENDATION

3. That the delegation added to Part 3 of the constitution by the Leader for the Head of Governance, Law, Property & Regulation regarding the Regulation of Invesigatory Powers Act (RIPA) as set out in Appendix 1 be noted; and

4. That an Urgent Executive decision made by the Chief Executive, and related waiver of call-in (agreed by the Chair of Scrutiny), and associated Urgent Council decision made by the Chief Executive (consulted on with the Mayor), regarding Grove Lane in Padiham as set out in Appendix 2 be noted.

REASONS FOR RECOMMENDATION

5. To ensure that the requirements of the constitution are upheld, and that maximum transparency is maintained.

SUMMARY OF KEY POINTS

6. Changes to Part 3 of the Constitution by the Leader

Head of Governance, Law, Property & Regulation.

On 25th April 2017 the Leader added a delegation for the Head of Governance, Law, Property & Regulation regarding RIPA (Appendix 1).

7. Urgent Executive and Council decision by the Chief Executive

On 5th May 2017 the Chief Executive made an Urgent Executive decision which was subject to a waiver of call-in, as well as making an associated Urgent Council decision, regarding Grove Lane in Padiham as set out in the relevant Minute (Appendix 2).

As required by the constitution the Chair of Scrutiny agreed the waiver of call-in regarding the Executive decision, and the Mayor (Councillor Jeff Sumner) was consulted on the Council decision.

Consequently this is now being reported to Full Council, as required by the constitution.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. None.

POLICY IMPLICATIONS

9. None.

DETAILS OF CONSULTATION

10. Group Leaders

BACKGROUND PAPERS

11. None.

FURTHER INFORMATION

PLEASE CONTACT: Eric Dickinson

ALSO:

To: The Head of Governance, Law, Property & Regulation, the Chief Executive, the Chief Operating Officer

Amendment to Part 3 Scheme of Delegation (Executive Functions)

I give notice that on 25th April 2017, I approved the following recommendation;

That the Leader approves changes to Part 3 (Executive) of the Council's constitution, i.e. the Scheme of Delegation, effective from 25th April 2017 to add part (v) to the following delegation for the Head of Governance, Law, Property & Regulation, as follows;

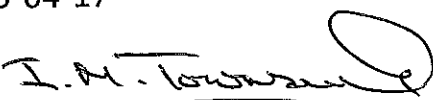
To be the Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000 ("RIPA") and, in particular, to be responsible for:

- (i) the integrity of the Council's procedures under RIPA relating to the authorisation of directed surveillance or the use of a covert human intelligence source;
- (ii) Ensuring compliance with RIPA and any relevant Codes of Practice;
- (iii) Engaging with Commissioners and Inspectors of the Office of Surveillance Commissioners; and
- (iv) Overseeing the implementation of any post-inspection action plans recommended or approved by any such Commissioner.

Add

(v) Setting the terms of the Council's Corporate RIPA Policy (and modifying, amending or otherwise updating the Policy), in consultation with the Leader.

DATED: 25-04-17

SIGNED:  25/4/2017.

Leader- Councillor Mark Townsend

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URGENT DELEGATED DECISION BY THE CHIEF EXECUTIVE

BURNLEY TOWN HALL

PRESENT

OFFICERS Eric Dickinson - Democracy Officer

3. Land at Grove Lane, Padiham

Purpose To seek approval for an increased price in relation to the purchase of 18.5 acres of land at Grove Lane Padiham.

Reason For Decision Acquisition of the site will help to ensure the securing of £7 million of Growth Deal Funding and the delivery of flood defence works in Padiham.

Use of urgency powers is required to ensure that the sale can proceed as agreed with the vendor and whilst HCA funds are still available through their approval processes.

Decision That the Chief Executive uses Executive Urgency Powers (in relation to (a) and Council Urgency Powers (in relation to (b) in order to effect option 3 and:

(a) Approves the increase in the sale price as set out in paragraph 16 of this report;

(b) Approves the increase in the Capital Budget funded from the Transformation Reserve as set out in Section 18 of this report;and

(c) Approves the terms set out in paragraph 17 of this report.

The decision is urgent in order to ensure that the sale can proceed as agreed with the vendor and whilst HCA funds are still available through their approval processes, and is therefore not subject to call-in in accordance with Part 4.5 of the constitution.

Decision made by:

Chief Executive

Date: 5.5.2017.

Decision Published on: 5.5.2017

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