

REPORT TO FULL COUNCIL



DATE	27/05/2020
PORTFOLIO	Leader
REPORT AUTHOR	Chris Gay
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PURPOSE

1. To inform Members of an addition to the delegations of the Strategic Head of Economy and Growth made by the Leader relating to Leases within Part 3 (Exec Functions) of the constitution.
2. To inform Members of minor amendments (Council Functions) made to Part 3 of the constitution by the Monitoring Officer regarding the delegations to the Head of Legal and Democratic Services relating to Tree Preservation Orders.
3. To note the Urgent Delegated (Council Function) decision made by the Chief Executive regarding Taxi Licensing Policy.
4. To inform Members of call-in waivers for Urgent Executive Decisions relating to the Reduction of Market opening times; the Closure of Burnley Market; Pioneer Place Deed of Variation and Land at Tay Street, Burnley.
5. To inform Members of The Local Authorities and Police and Crime Panels Coronavirus Regulations 2020 which allow council meetings to be held remotely.

RECOMMENDATION

6. That an addition to the delegations of the Strategic Head of Economy and Growth relating to the granting of leases be noted.
7. That the minor amendment in delegation to the Head of Legal and Democratic Services in regard to Tree Preservation Orders is noted.
8. That the Urgent Delegated (Council Function) decision by the Chief Executive relating to Taxi Licensing Policy be noted.

9. That it be noted that call-in was waived for Urgent Executive Decisions relating to the Reduction in opening hours of Burnley Market, the Closure of Burnley Market; Pioneer Place Deed of Variation and Land at Tay Street, Burnley.
10. To note regulations on remote meetings within The Local Authorities and Police and Crime Panels Coronavirus Regulations 2020, and the councils response to undertaking remote meetings

REASONS FOR RECOMMENDATION

11. To make necessary changes to the constitution in an accountable and transparent manner.
12. To ensure that the requirements of the constitution are upheld, and that maximum transparency is maintained.
13. That new Coronavirus Regulations 2020 with regard to remote council meetings are noted.

SUMMARY OF KEY POINTS

14. Changes to Part 3 of the Constitution

14.1 An addition to the delegations of the Strategic Head of Economy and Growth was agreed by the Leader on 11/03/20, this is summarised below and is set out in Appendix 1.

14.2 The addition relates to the granting of leases. Specifically, that in consultation with the Head of Finance and Property terms are agreed and leases granted for 10 years or less for units at Vision Park provided that the rent agreed with the tenant is market rent and the terms reserved by the leases are comparable to those available on the open market.

14.3 An updated council constitution was published on 13/03/20 to include these amendments. This is the only constitutional update made since those reported to Full Council on 26/02/20.

14.4 A minor amendment in the delegations to the Head of Legal and Democratic Services was made by the Monitoring Officer on 30/04/20 relating to Tree Preservation Orders (TPO).

14.5 A review of the TPO scheme identified that the Head of Legal and Democratic Services has the power to confirm unopposed TPOs made by committee. However, the scheme is silent on orders made with their delegated powers. The presumption here is that TPOs would need to be referred to committee whether they were opposed or not.

14.6 The minor amendment to the constitution confirms that the Head of Legal and Democratic Services has the power to confirm unopposed TPOs made under their delegation. Any objections to TPOs will continue to be referred to committee for decision.

15. Urgent Delegated (Council Function) decision

15.1 An Urgent Delegated (Council Function) decision regarding Taxi Licensing Policy was made on 27/03/20 to ensure that procedures are updated to take into consideration the coronavirus emergency. The decision and minute is included at appendix 2.

16. Executive Decisions: Waiver of call-in.

16.1 Part 4.5 of the constitution requires that a waiver to call-in be reported at Full Council. The Chair of Scrutiny waived call-in regarding the following decisions:

Reduction in Market opening hours (23/03/20): Reason, to facilitate a reduction in the opening hours of Burnley market in response to Government measures to prevent the spread of coronavirus.

Closure of Burnley Market (26/03/20): Reason, to enable the immediate closure of Burnley market, except for stalls offering essential retail such as food and grocery, in response to Government measures to prevent the spread of coronavirus.

Pioneer Place Deed of Variation (14/04/20): Reason, if the proposed action was not taken the development agreement may have been terminated.

Land at Tay Street, Burnley (21/04/20): Reason, to progress site preparation works at the earliest opportunity to reduce delays to the scheme or to avoid the schemes falling through as a result of increased lead time for utility suppliers.

16.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

16.3 New Regulations in response to the Coronavirus pandemic came into force on 04/04/20 in relation to council meetings prior to 07/05/2021. <http://www.legislation.gov.uk/uksi/2020/392/contents/made>

16.4 Regulation 5 allows council meetings to take place remotely (on-line). Previously only Licensing Act 2003 Hearings could be conducted remotely. The minimum requirement for remote meetings is that:

- a) Councillors must be able to hear and be heard during proceedings and where practicable see and be seen by other Members in attendance
- b) Councillors must be able to hear and be heard by any member of the public entitled to attend the meeting in order to exercise a right to speak; and where practicable see and be seen by any such member of the public
- c) Councillors must be heard and where practicable be seen by other members of the public attending the meeting

16.5 The council has developed, tested and introduced on-line meeting solutions that comply with the new Coronavirus Regulations 2020 and that are accessible to all Councillors via their iPads. Each public meeting will be streamed live via the Councils YouTube channel. A Licensing Act 2003 Hearing, Executive and Development Control meetings have already been conducted remotely, and other remote meetings are planned.

16.6 A remote meeting protocol and guidance has been produced for Councillors and meeting participants; and training in the form of mock meetings and hearings is also being provided.

16.7 Regulation 4 allows local authorities to hold and alter the frequency and occurrence of meetings without further notice. The February 2020 Full Council meeting agreed the council meeting calendar for 2020/2021. Where there is business to transact the calendar of council meetings will be maintained and meetings held remotely until further notice.

16.8 These changes are in effect until 7th May 2021 unless amended sooner.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

17. None.

POLICY IMPLICATIONS

18. Changes brought about by The Local Authorities and Police and Crime Panels (Coronavirus) 2020 Regulations, in effect until 07/05/2021 unless amended sooner, have been incorporated into the councils constitution within Procedural Standing Orders for council meetings <http://www.legislation.gov.uk/uksi/2020/392/contents/made>

DETAILS OF CONSULTATION

19. Member Structures Officer and Working Groups.

BACKGROUND PAPERS

20. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

FURTHER INFORMATION

PLEASE CONTACT:
Chris Gay Ex. 7163

ALSO: Catherine Waudby Ex. 7198

Appendix 1: Additional delegations of the Strategic Head of Economy and Growth

To: Executive Member for Economy and Growth, Chief Executive, Chief Operating Officer, Strategic Head of Economy and Growth, Head of Legal and Democratic Services

Amendment to Part 3 Scheme of Delegation (Executive Functions)

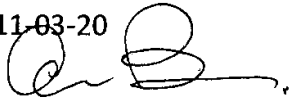
I give notice that on 11th March 2020, I approved the following recommendation;

That I approve changes to Part 3 (Executive) of the Council's constitution, i.e. the Scheme of Delegation, to amend the delegation below for the Strategic Head of Economy and Growth by adding in the following delegation;

““In consultation with the Head of Finance and Property to agree terms and grant leases for 10 years or less for units at Vision Park provided that the rent agreed with the tenant is market rent and the terms reserved by the leases are comparable to those available on the open market”

DATED: 11-03-20

SIGNED:



Leader- Councillor Charlie Briggs

Appendix 2. Urgent Delegated Decision By The Chair Executive: Minute, Taxi Licensing Policy.



URGENT DELEGATED DECISION BY THE CHIEF EXECUTIVE

BURNLEY TOWN HALL

PRESENT

OFFICERS Eric Dickinson - Democracy Officer

2. Licensing Policy on Taxis - Vehicles and Drivers

Purpose	To consider a change to Licensing Policy regarding taxis for the Chief Executive to use urgency powers relating to Licensing Committee under Part 3 of the Constitution (Council Functions) in consultation with the Chair of Licensing.
Reason For Decision	To ensure that procedures are updated to take into consideration the coronavirus emergency as a matter of urgency.
Decision	<p>(1) That the Chief Executive in exercise of his urgency powers under Part 3 of the Constitution (Council Functions) approves the following changes to the Licensing of Taxis;</p> <p>Where a taxi licence expires between the decision date and 1st August 2020 the following licences will be extended for a period of 4 months.</p> <p>Private Hire and Hackney Vehicle-a letter will accompany paper licence to reinforce conditions in relation to vehicle maintenance and public safety.</p> <p>Operator-with a requirement that the operator submits a DBS check when it is done, and a letter to accompany paper licence reinforcing conditions relating to the licence and providing advice on social distancing.</p> <p>Where a taxi licence expires between the decision date and 1st August 2020 the following licences will be renewed for a period of 4 months using a simplified procedure.</p> <p>Private Hire and Hackney Driver-with a requirement that the driver submits a DBS check when it is due and provides a medical self declaration. A letter will accompany the paper licence reinforcing conditions and providing advice on social distancing. Badges will be issued if time permits.</p> <p>A website notice will be posted advising of the emergency arrangements</p>

and the public register will be updated to indicate the new expiry date.