

Constitutional Amendments & Reporting

REPORT TO FULL COUNCIL



DATE	24/02/2021
PORTFOLIO	Leader
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PURPOSE

1. To inform Full Council of the urgent decisions made by the Executive regarding the implementation of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 from August 2018 to December 2020.
2. To inform Members of a waiver of call-in relating to an urgent decision (Executive Functions) taken by the Chief Executive relating to the Additional Restrictions Grant.
3. To propose a change to a Part 3 (Council) delegation which will be necessary following the Senior Solicitor's retirement from the Council on 19th March 2021.
4. To note changes made by the Leader to Part 3 (Executive) delegations relating to the Senior Solicitor's retirement from the Council on 19th March 2021, and also relating to the delegations of Community Safety Manager.
5. To propose an addition to Council Procedure Rules for Remote Meetings (Part 4a of the Constitution) as A10 – Breaks during remote meetings “The Chairman may adjourn a debate or the meeting (without the requirement for a vote pursuant to clause 16 of the Council Procedure Rules) for up to five minutes to allow the opportunity for members and officers to (inter alia) take a refreshment, have a comfort break or attend to dependants. This will be limited to one five minute break per sixty minute interval.”
6. To consider:
 - i. the addition of the LEP Joint Scrutiny to the List of the Council's Outside Bodies, and
 - ii. to consider appropriate qualifications for representation on that body and to appoint representatives who are non-Executive Members.

RECOMMENDATION

7. That the report detailing urgent Executive decisions made from August 2018 to December 2020 be noted.
8. That Council notes the waiver of call in granted relating to an urgent decision (Executive Functions) taken by the Chief Executive on 8th January 2021 relating to the Additional Restrictions Grant.
9. That the Council approves a change to the Part 3 (Council) Scheme of Delegation to transfer a specific delegation given to the Council's Senior Solicitor to the Council's Principal Legal Officer (Litigation and Regulation) with effect from 19th March 2021.

10. That the Council notes the changes made by the Leader to Part 3 (Executive) delegations relating to the Senior Solicitor's retirement from the Council on 19th March 2021, and also relating to the delegations of Community Safety Manager (Appendix 1).
11. That the Council approves an addition to Council Procedure Rules for Remote Meetings (Part 4a of the Constitution) as A10 – Breaks during remote meetings “The Chairman may adjourn a debate or the meeting (without the requirement for a vote pursuant to clause 16 of the Council Procedure Rules) for up to five minutes to allow the opportunity for members and officers to (inter alia) take a refreshment, have a comfort break or attend to dependants. This will be limited to one five minute break per sixty minute interval.”
12. That Council approves:
 - i. the addition of the LEP Joint Scrutiny to the List of the Council's Outside Bodies, and
 - ii. to appoint non-Executive representatives from the nominations received.

REASONS FOR RECOMMENDATION

13. Section 19 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the Executive Leader must submit a report to Full Council periodically containing details of urgent executive decisions.
14. To ensure that the requirements of the Constitution are upheld and transparency is maintained.
15. To ensure the Constitution is kept up to date and to enable decisions to be taken promptly.
16. To ensure that Health & Safety requirements for Officers and Members are met.
17. To ensure that the Council maintains appropriate representation on Outside Bodies.

SUMMARY OF KEY POINTS

18. Section 19 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 states that a report must be submitted to Full Council periodically by the Leader containing details of each executive decision taken where the making of the decision was agreed as urgent regarding key decisions, in accordance with section 11 of the same regulations.
19. Section 11 of the Regulations relates to cases of special urgency for key decisions when obtaining agreement of the Chair of the Scrutiny Committee (or the Mayor/Deputy Mayor) is required for items to be considered by the Executive process (i.e. less than 5 working days' notice was given).
20. Set out below is the following information, as required by Section 19, for each decision;
 - a) Particulars of each decision made; and
 - b) A summary of the matters in respect of which each decision was made.

Please note that there are also Private Decisions where agreement of the Chair of the Scrutiny Committee or the Mayor/Deputy Mayor and an additional Notice is required

(i.e when less than 28 days notice has been given) as set out by Section 5 (6),and this may occur alongside Special Urgency Section 11.

Date of Notice	Type of Decision	Date of Decision	Decision Maker	Matter
250918	5 (6) and 11	250918	CE	Business Rates Lancashire Pool
180319	5 (6) and 11	200319	Executive	Woodtop School-technical Notice regarding exempt classification
220319	5 (6) and 11	220319	CE	On the Banks
171019	5 (6) and 11	181019	CE	Business Rates Lancashire Pool
260320	5 (6) and 11	260320	CE	Burnley Market Closure
140420	5 (6) and 11	140420	CE	Pioneer Place
210420	5 (6) and 11	220420	Executive	Land at Tay Street
010620	11	010620	CE	Local Authority Discretionary Grant Scheme Amended
040620	5 (6) (and 11)	040620	CE	Environmental Health (Compliance) Officer
060820	5 (6) and 11	060820	CE	Local Authority Discretionary Grant Scheme Amended 2
060820	5 (6) and 11	060820	CE	Crematorium Repairs
070920	5 (6) (and 11)	080920	CE	Temp Environmental Health (Compliance) Officer
131020	11	131020	CE	Covid Grants Acceptance
271020	5 (6) (and 11)	281020	CE	Temp Planning Compliance Officer
231120	11	231120	CE	Local Restrictions Support Grant & Additional Restrictions Grant

21. 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:
i. Additional Restrictions Grant

22. The delegation specifically granted to the Council's Senior Solicitor under Part 3 (Scheme of Delegation) (Council) is the power to suspend and revoke private hire and hackney carriage licences (in the absence of the Head of Legal and Democratic

Services and the Licensing Manager.) A change to a Part 3 (Council) delegation needs to be approved by Full Council.

23. There are also a number of Part 3 (Executive) delegations specifically granted to the Council's Senior Solicitor under the Scheme of Delegation. These are:
(1) the power to authorise officers to appear in court/ issue statutory demands and to undertake functions pursuant to the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1995; and
(2) to act as the Appeals Officer in relation to assets of Community Value.
A change to a Part 3 (Executive) delegation needs to be approved by the Leader, and is then reported to Full Council for noting.

24. The Council's Senior Solicitor is retiring on 19th March 2021 and his position is not being filled. The delegations need to be transferred to other officers within the Council to enable the business of the Council to carry on efficiently.

It is therefore recommended that the Part 3 (Council) delegation set out in paragraph 16 be transferred to the Council's Principal Legal Officer (Litigation and Regulation) with effect from 19th March 2021.

25. The Part 3 (Executive) delegations set out in paragraph 17 relating to the Council's Senior Solicitor were transferred by the Leader on 4th February 2021 to the Head of Legal and Democratic Services with effect from 19th March 2021, and it is therefore recommended that this be noted (Appendix 1).

26. Following changes made to the post of Community Safety Manager, delegations in Part 3 (Executive) relating to this post needed to be transferred to the Head of Streetscene, and this was also done by the Leader on 4th February 2021 with immediate effect. It is therefore recommended that this be noted (Appendix 1).

27. There are regulations in force which require employers to ensure there are breaks or changes in activity for employees who are display screen equipment users (DSE). This would also apply to members. There is no legal guidance about how long and how often breaks should be for DSE work. It depends on the kind of work you are doing.

28. Whilst there are times when online meeting participants need to take a break, and there is nothing that can be done to prevent that, by scheduling breaks at an online meeting we can drastically reduce the number of people who want to take a break and do so because they have no idea when they'll next get an opportunity to take a break. When you don't schedule enough breaks, people will leave an online meeting seemingly at random. Sometimes they'll do this because they need to, but the other meeting attendees don't know this. As a result, the meeting will feel unnecessarily disjointed. Scheduling appropriate breaks during online meetings makes it much more likely that people will stay present and only leave if they have to.

29. The Mayor will call for a break at the nearest appropriate moment to the 60 minute mark.

30. The Lancashire LEP has formed a Joint Scrutiny Committee. In order that the Council is represented on this Board it is proposed that the Board be added to the Council's formal list of Outside Bodies, and that a Member and a substitute Member be appointed. The only qualification for appointments, because it is a Scrutiny Committee, is that they cannot be Executive Members. The appointment by the Council of a substitute member would not preclude the attendance of an alternate member should both Member and substitute be unavailable in exceptional circumstances in conjunction with the clerk of the Joint Committee.

The Council has strict criteria for inclusion of a body or organisation in the Outside Bodies list. These are:

- It makes a direct and significant contribution to the Council's Strategic Objectives
- There aren't any significant cost and resource implications set against the benefit obtained for the Council
- That having considered the balance of risk, there would be a detrimental effect on the Council if there wasn't representation
- The appointment would raise the profile of the Council at a National or Regional level

31. Nominations, qualified to non-Executive Members, for the positions of 'Member' and 'Substitute Member' will be sought from Group Leaders prior to the meeting, and a vote will take place in accordance with Council Procedures Rules should there be more nominations than places.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

32. None

POLICY IMPLICATIONS

33. None.

DETAILS OF CONSULTATION

34. Lukman Patel, Chief Operating Officer
Karen Davies, Licensing Manager
Member Structures Working Group.

BACKGROUND PAPERS

35. None.

FURTHER INFORMATION

PLEASE CONTACT:

ALSO: