

**Constitutional Amendments & Reporting and Appointments to Committees**

**REPORT TO FULL COUNCIL**



<b>DATE</b>	<b>26/01/2022</b>
<b>PORTFOLIO</b>	<b>Leader</b>
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**PURPOSE**

1. To inform Full Council of the Special Urgency decisions made by the Executive regarding the implementation of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 from November 2020 to December 2021.
2. To inform Members of a waiver of call-in relating to an urgent decision (Executive Functions) taken by the Chief Executive on 21 Dec 2021, and to a waiver of call in for a future decision to be taken by the Executive on 19 Jan 2022, both relating to the Levelling Up Fund.
3. To inform Members of minor updates made using the Monitoring Officer's delegated powers to Part 5.2 Appx Code of Conduct for Employees -Whistleblowing Policy.
4. To consider changes to appointments to Committees and Outside Bodies for the remainder of the 2021/22 Municipal Year.

**RECOMMENDATION**

5. That the report detailing Special Urgency Executive decisions made from November 2020 to December 2021 be noted.
6. That Council notes the waiver of call in granted relating to an urgent decision (Executive Functions) taken by the Chief Executive on 21 December 2021 (Minute attached as Appendix 1), and also notes the waiver of call for a future decision to be taken by the Executive on 19 January 2022, both relating to the Levelling Up Fund.
7. That the Council notes minor updates made using the Monitoring Officer's delegated powers to Part 5.2 Appx Code of Conduct for Employees -Whistleblowing Policy (Appendix 2).
8. That Council approves the following changes to Labour Group committee places as follows:
  - i) Cllr Paul Campbell to stand down from Scrutiny Committee, to be replaced by Cllr Lubna Khan.
  - ii) Cllr Paul Campbell to stand down from Audit & Standards Committee, to be replaced by Cllr Lubna Khan.

<b>REASONS FOR RECOMMENDATION</b>
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9. 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 Special Urgency Executive decisions.
10. To ensure that the requirements of the Constitution are upheld and transparency is maintained.
11. To ensure the Constitution is kept up to date and to enable decisions to be taken promptly.
12. To comply with legislation and to ensure that the Council continues to have an effective and efficient decision making structure

<b>SUMMARY OF KEY POINTS</b>
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13. 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 regarding key decisions, in accordance with section 11 of the same regulations.
14. 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).
15. Set out below is the following information, as required by Section 19, for each decision from the end of November 2020 to December 2021;
  - 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.

It should also be noted there were 7 Public reports of General Exception (Section 10) during this period which had between 5 and 28 days Notice provided, for which the Chair of Scrutiny was appropriately informed and additional Notices issued (relating to Additional Restrictions Grants, Cyber Resilience Grant, Levelling Up Fund, Holiday Activities Fund).

Please also note the significant reduction in Section 11 Notices for this period (2) compared to a similar period in 2020 (11), and that it is now comparable to the numbers during 2019 (2) and 2018 (1).

The reduction is a testament to the ongoing efforts made to maintain a close working relationship between Executive and Scrutiny.

<b>Date of Notice</b>	<b>Type of Decision</b>	<b>Date of Decision</b>	<b>Decision Maker</b>	<b>Matter</b>
271120	5 (6) and 11	081220	Executive	Burnley Market Recovery Support Review
040321	10 1 (a) and 11	040321	CE	Cyber Resilience Grant Funding
211221	5 (6) and 11	211221	CE	Levelling Up Fund

16. Part 4.5 of the constitution requires that a waiver to call-in be reported at Full Council.

The Chair of Scrutiny agreed to waive call-in regarding the following decision, and this was confirmed by the Chief Executive;

i. 21 December 2021 -Chief Executive- Levelling Up Fund (Appendix 1- Minute attached)

The Chair of Scrutiny has agreed to waive call -in re the future Exec decision below;

ii. 19 January 2022-Executive- Levelling Up Fund

17. Minor Changes made on 20<sup>th</sup> December 2021, using the Monitoring Officer's delegation, to Part 5.2 Appx i.e. Code of Conduct for Employees- Whistleblowing Policy (Appendix 2), relating to updates were as follows;

-Para 6.5 updated due to change in S.151 postholder

-Paras 9& 10 updated references to and contact details for confidential independent helpline Protect

Accordingly the Council is being informed of the changes made to the constitution.

18. Labour Group have requested to make the changes indicated to their allocated committee places. This does not affect the Political Balance.

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

19. None

#### **POLICY IMPLICATIONS**

20. None.

#### **DETAILS OF CONSULTATION**

21. Member Structures Officer Group  
Member Structures Working Group.

#### **BACKGROUND PAPERS**

19. None.

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**ALSO:**