

**Constitutional Updates & Reporting**

**REPORT TO FULL COUNCIL**



<b>DATE</b>	<b>28/09/2022</b>
<b>PORTFOLIO</b>	<b>Leader</b>
<b>REPORT AUTHOR</b>	<b>Alison McEwan</b>
<b>TEL NO</b>	<b>01282 477259</b>
<b>EMAIL</b>	<b>amcewan@burnley.gov.uk</b>

**PURPOSE**

1. To consider an amendment to the Constitution Part 3, the Scheme of Delegation (Council Functions) b) Licensing Committee delegated to the Head of Legal and Democratic Services to allow them to attach conditions to licenses that are relevant to the applicant’s right to work status.

Section1 (a) to be amended with the addition of the text in **BOLD** below:

1 (a) To be responsible for determining applications for Hackney Carriage vehicle and driver licences, Private Hire vehicle and driver licences and Private Hire Operators’ licences, and for applications for the renewal of existing licences... **including the power to attach any conditions to taxi licences that are necessary to reflect the requirements of an applicant’s right to work status.**

2. To inform members of a waiver of call-in related to an urgent decision (Executive Functions) taken by the Chief Executive on 30/03/23 regarding the Burnley Bus Station Facilities Management Contract.
3. 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 January 2021 to April 2023.

**RECOMMENDATION**

4. That Council approve the following amendment to the Constitution Part 3, the Scheme of Delegation (Council Functions) b) Licensing Committee delegated to the Head of Legal and Democratic Services.

Section1 (a) to be amended with the addition of the text in **BOLD** below:

1 (a) To be responsible for determining applications for Hackney Carriage vehicle and driver licences, Private Hire vehicle and driver licences and Private Hire Operators' licences, and for applications for the renewal of existing licences... **including the power to attach any conditions to taxi licences that are necessary to reflect the requirements of an applicant's right to work status.**

5. That the call-in waiver be noted.
6. That the report detailing urgent Executive decisions made from January 2021 to April 2023 be noted.

## REASONS FOR RECOMMENDATION

7. To amend the Constitution as appropriate and ensure the efficient running of meetings.
8. To ensure that the requirements of the Constitution are upheld, and transparency is maintained.
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 urgent executive decisions.

## SUMMARY OF KEY POINTS

### 10. Amendment to Scheme of Delegation

The Head of Legal and Democratic Services delegation currently allows them to determine applications and renewals of Hackney Carriage and Private Hire vehicle and Driver licences, and Private Hire Operator licences. This addition would enable them to add additional conditions to the licence which are considered necessary due to the applicants right to work status.

### 11. Call-in Waiver

Part 4.5 of the constitution requires that a waiver to call-in be reported at Full Council. The Vice-Chair of Scrutiny waived call-in regarding the Burnley Bus Station Facilities Management decision which was taken by the Chief Executive on 30/03/23 (see appendix 1).

### 12. Summary of Urgent Decisions

- 12.1. 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.

12.2. 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).

12.3. 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.

<b>Date of Notice</b>	<b>Type of Decision</b>	<b>Date of Decision</b>	<b>Decision Maker</b>	<b>Matter</b>
08012021	11	08012021	CE	Additional Restrictions Grant
12022021	11	15022021	Executive	Additional Restrictions Grant
04032021	11	04032021	CE	Cyber Resilience Grant
21122021	5 (6) and 11	21122021	CE	Levelling Up Fund
28012022	5 (6) and 11	28012022	CE	Additional Restrictions Grant
14032022	5(6) and 11	16032022	Executive	Towneley Hall Grant Acceptance
06052022	11	06052022	CE	Household Support Fund
26052022	5 (6) (a) and 11	26052022	CE	Levelling Up Fund revision 24.05.22
22062022	5 (6)(a) 11	13072022	Executive	Towneley Hall Repairs
22112022	5(6)(a) and 11	30112022	Executive	Town 2 Turf procurement
18012023	5(6)(a) and 11	19012023	Executive	Levelling Up Fund
18012023	11	19012023	Executive	Executive Delegations
25012023	5(6)(a) and 11	25012023	CE	Town 2 Turf lighting
30032023	5(6)(b) and 11	30032023	CE	Bus Station FM Contract

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

9. None.

**POLICY IMPLICATIONS**

10. None

**DETAILS OF CONSULTATION**

11. Member Structures Officer Group.  
Member Structures Working Group.

**BACKGROUND PAPERS**

31. None.

**FURTHER INFORMATION**

**PLEASE CONTACT: Catherine Waudby**  
**01282 477198**

**ALSO:**