

Constitutional Updates and Council Delegations**REPORT TO FULL COUNCIL**

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| DATE | 27/09/2017 |
| PORTFOLIO | Leader |
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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 Section 151 Officer/Head of Finance regarding **adding** to the Council's Strategic Services Delivery Partners amendment **relating to Executive Functions** .
2. To **inform** Members of the changes made to Part 3 of the constitution **by the Leader** , relating to the Scheme of Delegation, **withdrawing** existing relevant Pension delegations **from Executive Functions** for various Officers.
3. 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 Green Spaces and Amenities regarding **amending** the loans of paintings **relating to Executive Functions**
4. To seek **approval** for a delegation to the Section 151 Officer/Head of Finance and Head of Governance, Law, Property & Regulation and Chief Operating Officer regarding the Council's Strategic Services Delivery Partners to be **added relating to Council Functions** .
5. To consider **transferring and adding** existing relevant Pension delegations to Council Functions from Executive Functions for various Officers.
6. To **note** the Urgent Officer Decision regarding Council Functions taken by the previous Chief Executive Officer to amend Part 4.8 of the Constitution, the Officer Disciplinary Procedure Rules, relating to the Appointments Committee for the Chief Executive Officer appointment .
7. To consider the **appointment** of a replacement to the Lancashire Police and Crime Panel if the Council's representative and substitute are unable to attend.
8. To consider the **appointment** of a Labour Group Councillor to the Development Control Committee to replace Councillor Tony Harrison.
9. To consider Councillor **nominees** for a vacancy on the Leisure Trust to replace Councillor Tony Harrison.

10. To consider an **amendment** to Part 5.9 of the constitution regarding Member Long Service Awards
11. To consider **amendments** to the Members Code of Conduct regarding Training for Members

RECOMMENDATION

10. That the changes made to Part 3 of the constitution by the Leader **be noted**, as follows;
 - (a) 29th August 2017- **Additional** delegation to the Section 151 Officer/Head of Finance regarding the Council's Strategic Services Delivery Partners (Appendix 1)
 - (b) 31st August 2017- **Withdrawal** of existing relevant Pension delegations from Executive Functions (effective from 27th September 2017) (Appendix 2)
 - (c) 29th August 2017 **Amendment** of the existing delegation to the Head of Green Spaces and Amenities regarding the loan of paintings (Appendix 3)
11. That **adding** a delegation to the Section 151 Officer/Head of Finance and Head of Governance, Law, Property & Regulation and Chief Operating Officer regarding the Council's Strategic Services Delivery Partners relating to Council Functions **be approved** as follows;

"To make all decisions (strategic, operational or otherwise) in relation to the agreements entered into with the Council's Strategic Services Delivery Partners limited to the delegated limits set out in the Financial Procedure Rules".
12. That any existing relevant Pension delegations currently within Part 3 Executive Functions of the constitution **be transferred and added** to the same Officers within Part 3's Council Functions.
13. That the Urgent Officer Decision regarding Council Functions taken by the previous Chief Executive Officer to amend Part 4.8 of the Constitution, the Officer Disciplinary Procedure Rules, relating to the Appointments Committee for the Chief Executive Officer, **be noted** (Appendix 4).
14. That Councillor xx is **appointed** as a replacement for the Lancashire Police and Crime

Panel if the Council's representative and substitute are unable to attend, in order to ensure as far as possible that the Council is represented.

15. That Councillor xx is appointed as a Labour Group Councillor to the Development Control Committee to replace Councillor Tony Harrison,

16. That Councillor nominees be considered for a vacancy on the Leisure Trust to replace Councillor Tony Harrison.

17. That Part 5.9 Protocol for Awards to Recognise Service to the Community or the Council is amended so that for a Long Service Award the timing of the award be amended to;

"The awards be given on an annual basis at the last meeting before the Appointments Council in the final year".

18. That the Members Code of Conduct regarding Member training be amended as follows;

3.1 All Members to undertake Code of Conduct/ethical standards training annually

3.4 to amend and add at the end "...or Audit and Standards Committee who may recommend that the Member be removed from the Development Control Committee or Licensing Committee as is relevant."

3.4 and 7.2- after "... in the first place to the Member concerned" to add "...and the relevant Group Leader" and to remove this after "...at the next available session"

REASONS FOR RECOMMENDATION

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

SUMMARY OF KEY POINTS

20. To Note - Changes to Part 3 of the Constitution by the Leader relating to Executive Functions

(a) Section 151 Officer/Head of Finance-Liberata

On 29th August 2017 the Leader **added** a delegation for the Section 151 Officer/Head of Finance regarding the Council's Strategic Services Delivery Partners for Executive Functions, as currently exists for the Head of Governance, Law, Property, and Regulation and for the Chief Operating Officer, as set out below (Appendix 1).

"To make all decisions (strategic, operational or otherwise) in relation to the". agreements entered into with the Council's Strategic Services Delivery Partners limited to the delegated limits set out in the Financial Procedure Rules

(b) Withdrawal of Pension delegations

On 31st August 2017 the Leader **withdrew** the following delegations regarding Pensions from Executive Functions, with effect from 27th September 2017. Due to Functions Regulations, matters relating to Pensions should be dealt with as Council Functions, and therefore any existing delegations currently dealt with as Executive Functions in the constitution need to be transferred in Part 3 of the constitution to the relevant Officers under Council Functions, as setb out below (Appendix 2).

i.e. Head of People and Development – Executive Functions- Para 9
“To agree the release of Frozen Pension Benefits on Compassionate Grounds in consultation with the Section 151 Officer.”

i.e. Head of Governance, Law, Property & Regulation- Executive Functions-Para 13
“To deal with appeals at the first stage of the Pensions Disputes Resolution Procedure”.

(c) Head of Green Spaces and Amenities –Change to delegation regarding Loans of Paintings

On 29th August 2017 the Leader **amended** a delegation for the Head of Green Spaces and Amenities in order to simplify arrangements for the loans of paintings, due to clear policies and processes being in place (see Appendix 3).

21. To Approve- Changes to Officer Delegation relating to Council Functions

Section 151 Officer/Head of Finance, Head of Governance, Law, Property & Regulation and Chief Operating Officer

It is proposed that a delegation regarding Council Functions relating to the Council’s Strategic Services Delivery Partners be **added** for the Section 151 Officer/Head of Finance and Head of Governance, Law, Property & Regulation and Chief Operating Officer (similar to the existing one for Executive Functions) as follows;

“To make all decisions (strategic, operational or otherwise) in relation to the agreements entered into with the Council’s Strategic Services Delivery Partners limited to the delegated limits set out in the Financial Procedure Rules.”

This change will allow any Council Functions relating to the Council’s Strategic Services Delivery Partners to be dealt with by the relevant delegation.

22. To Approve- **Transfer and addition** of existing relevant Pension delegations to Council Functions from Executive Functions

Due to Functions Regulations, matters relating to Pensions should be dealt with as Council Functions, and therefore any existing delegations currently dealt with as Executive Functions in the constitution need to be transferred in Part 3 of the constitution to the relevant Officers under Council Functions.

Please note that as stated in Paragraph 14 (b) the relevant delegations were withdrawn from Executive Functions by the Leader.

i.e. Head of People and Development – Executive Functions- Para 9

“To agree the release of Frozen Pension Benefits on Compassionate Grounds in consultation with the Section 151 Officer.”

i.e. Head of Governance, Law, Property & Regulation- Executive Functions-Para 13
“To deal with appeals at the first stage of the Pensions Disputes Resolution Procedure.”

23. To Note-Urgent Chief Executive Officer Decision - Council Functions

On the 13th July 2017 the former Chief Executive Officer, Pam Smith, made an Urgent Officer Decision regarding Council Functions in order to amend Part 4.8 of the Constitution, the Officer Disciplinary Procedure Rules.

The amendment allowed substitutions on the Appointments Committee for the Chief Executive Officer appointment (Appendix 4).

The constitution requires the decision to be reported to Full Council at the earliest opportunity for noting.

24. Replacement for Lancashire Police and Crime Panel

To ensure as far as possible that Councils are represented at future meetings of Lancashire Police and Crime Panel (LPCP), the LPCP have requested that a replacement is nominated in case the Council's appointee (Cllr Graham) and the substitute (Cllr Foster) are not able to attend.

In order to maintain political balance, the appointment, will need to be from Labour Group, and Cllr xx has therefore been nominated.

25. Appointment to Development Control Committee

A Labour Group Councillor is requested to replace Cllr Tony Harrison on Development Control Committee.

26. Appointment to Leisure Trust

Councillor nominations are requested to replace Cllr Tony Harrison on the Leisure Trust following his resignation from the Trust.

At present the Conservative Group have nominated Cllr David Heginbotham.

27. Protocol for Awards to Recognise Service to the Community

That Part 5.9 Protocol for Awards to Recognise Service to the Community or the Council is amended so that for a Long Service Award the timing of the award be amended as follows;

From; “The awards be given on an annual basis each summer at the Full Council meeting following the Appointments Council. For 2009/10 only, as there are no local elections, awards could be granted at the appointments meeting.”

To; “The awards be given on an annual basis at the last meeting before the Appointments Council in the final year”

This will enable all Members to receive the award before their term may end .

28. Members Code of Conduct regarding Member Training

Member training in various areas needs to be consistent , effective and as efficient as possible, and in order to effect this the following amendments are being proposed;

3.1 All Members to undertake Code of Conduct/ethical standards training annually.

3.4 to amend and add at the end “...or Audit and Standrads Committee who may recommend that the Member be removed from the Development Control Committee or Licensing Committee as is relevant.”

This will then ensure consistency between the Licensing Committee, and the Development Control Committee as already set out in Para 7.2.

3.4 and 7.2- after “... in the first place to the Member concerned” to add “...and the relevant Group Leader”
and to also therefore remove this after “...at the next available session”.
This will then alert the Group Leader earlier in the process to improve the effectiveness and efficiency of the process.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

29. None.

POLICY IMPLICATIONS

30. None.

DETAILS OF CONSULTATION

31. Member Structures Working Group.

BACKGROUND PAPERS

32. None.

FURTHER INFORMATION

PLEASE CONTACT: Eric Dickinson

ALSO: