

Constitutional Updates and Council Delegations

REPORT TO FULL COUNCIL



DATE	22/11/2017
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 Head of Housing and Development Control regarding adding to delegations for Executive Functions relating to the Housing and Planning Act 2016.
2. 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 Governance, Law, Property, and Regulation regarding adding to delegations for Executive Functions relating to bids at auction and contract to buy properties.
3. To inform Members of the minor change made to Part 3 of the constitution by the Monitoring Officer, relating to the Scheme of Delegation, for the Head of Governance, Law, Property and Regulation regarding adding to a delegation for Executive Functions relating to The Water Industry Act 1991 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part III and Part IV of the Act.
4. To consider an amendment to Part 5.1 of the constitution regarding Members Code of Conduct to make it compulsory for all Members to receive training on Safeguarding Level 1 and CSE within 6 months.

RECOMMENDATION

5. That the changes made to Part 3 (Executive Functions) of the constitution by the Leader/Deputy Leader be noted, as follows;
 - (a) 18th October 2017- Deputy Leader-Additional delegations to the Head of Housing and Development Control regarding the civil penalties and rent repayment orders as detailed in the Housing and Planning Act 2016 (Appendix 1)
 - (b) 24th October 2017- Leader- Additional delegation to the Head of Governance, Law, Property and Regulation regarding bids at auction and contract to buy properties not included in the approved Council acquisition programme (Appendix 2)
6. That the change added to Part 3 (Executive Functions) of the constitution by the Monitoring Officer on 27th October 2017 relating to a minor amendment be noted, as follows

, for the Head of Governance, Law, Property & Regulation (Paragraph 26);

The Water Industry Act 1991 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part III and Part IV of the Act

7. That the Members Code of Conduct (Part 5.1 of the Constitution) regarding Member training be added to and amended, as follows in bold;

3.1 All Members to undertake Code of Conduct/ethical standards training annually, and to make it compulsory for all Members to receive training on Safeguarding Level 1 and CSE, within 6 months of their election for New Members and within 6 months of this change being approved at Full Council (i.e. 22nd May 2018) for existing Members.

REASONS FOR RECOMMENDATION

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

SUMMARY OF KEY POINTS

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

(a) Head of Housing and Development Control

On 18th October 2017 the Deputy Leader added a delegation for the Head of Housing and Development Control regarding civil penalties and rent repayment orders as detailed in the Housing and Planning Act, as set out below (Appendix 1).

“To exercise all powers to issue, use and enforce civil penalties as detailed in the Housing and Planning Act 2016 (and any regulations made there under)”.

“To exercise all powers to issue, use and enforce rent repayment orders as detailed in the Housing and Planning Act 2016 (and any regulations made there under)”.

(b) Head of Governance, Law, Property and Regulation

On 24th October 2017 the Leader added a delegation for the Head of Governance, Law, Property and Regulation regarding bids at auction and contract to buy properties not included in the approved Council acquisition programme , as set out below (Appendix 2).

“That in consultation with the Leader, Chief Executive, and Head of Finance to bid at auction for and contract to buy properties not included in the approved Council acquisition programme up to a price of £100,000 each”.

10. To Note - Changes to Part 3 of the Constitution by the Monitoring Officer relating to Executive Functions;
Head of Governance, Law, Property and Regulation

On 27th October 2017 the Monitoring Officer added to a delegation for the Head of Governance, Law, Property and Regulation (Paragraph 26), in bold as below;

“Environmental Protection: The Water Industry Act 1991- In so far as Burnley Borough Council is the enforcing authority as detailed in Part III and Part IV of the Act.”

11. To Approve Changes- Members Code of Conduct (Part 5.1 of the constitution) 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 amendment is being proposed;

3.1 To add to the current wording , as follows ;

From:

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

To:

“All Members to undertake Code of Conduct/ethical standards training annually, and to make it compulsory for all Members to receive training on Safeguarding Level 1 and CSE within 6 months of their election for New Members and within 6 months of this change being approved at Full Council (i.e. 22nd May 2018) for existing Members

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

12. None.

POLICY IMPLICATIONS

13. None.

DETAILS OF CONSULTATION

14. Member Structures Officer Group
Member Structures Working Group.

BACKGROUND PAPERS

15. None.

FURTHER INFORMATION

PLEASE CONTACT: Eric Dickinson

ALSO: