

REPORT TO FULL COUNCIL



DATE	9th July 2008
PORTFOLIO	None
REPORT AUTHOR	Eric Dickinson
TEL NO	01282 477256
EMAIL	edickinson@burnley.gov.uk

Amendment to Part 3 of the Council's Constitution

PURPOSE

1. To consider an amendment to Part 3 of the Council's constitution in relation to the Scheme of delegation for the Head of Streetscene regarding Anti Social Behaviour.
2. To consider various amendments to Part 3 of the Council's constitution in relation to the Scheme of delegation for the Head of People and Law.
3. To consider an amendment to Part 3 of the Council's constitution in relation to the Membership of Audit Committee.
4. To consider an amendment to Part 2 of the Council's constitution to add the Statement of Pensions Policy to the Policy Framework.

RECOMMENDATION

5. That Full Council amends Part 3 of the Council's Constitution to add the following delegation to the Head of Streetscene;

That authorisation to take legal action on Anti Social Behaviour , relating to the Crime and Disorder Act 1989 and the Anti Social Behaviour Act 2003 be delegated to the Head of Streetscene, such as ASBO, Dispersals, Closure Orders for nuisance and Class A drugs closure applications,.

6. That Full Council amends Part 3 of the Council's Constitution to change the existing paragraphs outlining the delegations to the Head of People and Law, as follows;
 - (a) That Paragraph 5 instead be delegated to Heads of Service, and amended to the following;

'To authorise long service pro-rata awards for employees with over 20 years' service who are made redundant etc if they would have had 25 years' service by their normal retirement date.'
 - (b) That Paragraph 11 be amended to the following;

'To agree requests for secondments both internally within the Council and to or

from external organisations in consultation with the Director of Finance, unless this relates to a Chief Officer when consultation will be with the Executive Member.’;
and

(c) That Paragraph 22 be removed.

7. That Full Council amends Part 3 of the Council’s constitution to confirm that the nine Member Audit Committee includes an Executive Member and the Chair of Better Services Scrutiny Committee.
8. That Full Council amends Article 4.1 of Part 2 of the Council’s Constitution to add the Statement of Pensions Policy to the Policy Framework.

REASONS FOR RECOMMENDATION

9. To streamline administration of the Council by enabling the Head of Streetscene to authorise legal action on Anti Social Behaviour.
10. To update the delegations to the Head of People and Law following discussions with the Director of Resources.
11. To ensure that membership of Audit Committee is comprehensively described in the Council’s constitution.
12. To ensure that the Council’s Policy Framework is updated as necessary.

SUMMARY OF KEY POINTS

13. Streetscene includes work relating to Anti Social Behaviour, involving the Crime and Disorder Act 1989 and the Anti Social Behaviour Act 2003.
Enabling the Head of Streetscene to authorise legal action in relation to Anti Social Behaviour under the legislation would benefit the work of the Council, such as ASBO, Dispersals, Closure Orders for nuisance and Class A drugs closure applications,.

In order to amend the scheme of delegation, Full Council formally needs to approve the delegation.
14. Following discussions between the Director of Resources and the Head of People and Law, a number of amendments to the existing delegations of the Head of People and Law Are set out below;
 - (a) Paragraph 5 currently states - ‘To agree Long Service Awards – pro-rata award for employees with over 20 years’ service who are made redundant, etc. if they would have had 25 years’ service by their normal retirement date.’
It is proposed that this delegation be passed to Heads of Service and be as follows; ‘To authorise long service pro-rata awards for employees with over 20 years’ service who are made redundant etc if they would have had 25 years’ service by their normal retirement date.’;

(b) Paragraph 11 currently states - ' To agree requests for secondments both internally within the Council and to or from external organisations in consultation with the Executive Member.'

It is proposed that this delegation be as follows;

'To agree requests for secondments both internally within the Council and to or from external organisations in consultation with the Director of Finance, unless this relates to a Chief Officer when consultation will be with the Executive Member';and

(c) Paragraph 22 currently states-' To approve all attendance at training courses above £500 in consultation with the Director of Resources.'

It is proposed that this delegation be removed, as the Council's Financial Regulations will regulate expenditure in this area.

15. In May 2006 it was reported to Full Council that following advice from CIPFA and the Audit Commission, in addition to the 2 existing independent co-opted members, the nine Members of Audit Committee should include an Executive Member, the Chair of Better Services Scrutiny Committee and 7 non Executive members.

Part 3 of the constitution needs to be updated to formally confirm the Membership requirements for the Audit Committee.

16. A report earlier on the agenda for Full Council on 9th July 2008 seeks approval for a revised Statement of Pensions Policy.
Any decision relating to the Statement of Pensions Policy is a matter for Full Council, rather than the Executive, and as such it needs to be added to the Policy Framework of the Council which is contained in paragraph 4.1 of Part 2 of the Constitution.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

17. None

POLICY IMPLICATIONS

18. None.

DETAILS OF CONSULTATION

19. Member Structures and Support Officer Group
Member Structures and Support Working Group

BACKGROUND PAPERS

20. None

FURTHER INFORMATION

PLEASE CONTACT:

Eric Dickinson

ALSO: