



REPORT OF:	STRATEGIC DIRECTOR RESOURCES
TO:	COUNCIL FORUM
ON:	7 October 2021

SUBJECT: GOVERNANCE UPDATE

1. PURPOSE OF THE REPORT

To request Council to approve an update of the Constitution to amend the Officer Scheme of Delegation and in relation to the Common Seal of the Council, as detailed in Appendix 1. Council is also requested to approve the updated Council Appointments for 2021/22, as contained in Appendix 2 and the agreed appointments to Various Bodies, Groups and Panels (Appendix 3) .

2. RECOMMENDATIONS

The Council is asked to approve:

- the revisions to the Constitution as set out in Appendix 1 to this report.
- the updated list of Council Appointments for 2021/22, as contained in Appendix 2.
- the appointments to Various Bodies, Groups and Panels (Appendix 3)

3. BACKGROUND

The wording of the functions relating to town and country planning and development control delegated to the Strategic Director Place has been reviewed, in light of changes in the Government's definitions of planning application categories. Changes to the wording of these delegated power, and the reciprocal changes to the powers of the Planning & Highways Committee has been proposed. This was considered by the Planning & Highways Committee on 16 September 2021 ([Report.pdf \(blackburn.gov.uk\)](https://www.blackburn.gov.uk/Report.pdf)) and recommended the proposed changes to be approved by Council and constitution amended. The proposed changes to the Officer Scheme of Delegation and the reciprocal changes to the Planning & Highways Committee powers are detailed in Appendix 1.

Other proposed changes to the constitution referred to in the report has arisen following a review by the Monitoring Officer of operational procedures following recent structural changes.

Since the approval of Council Appointments for 2021/22 at Annual Council on 20 May 2021, there have been some minor changes to the membership to committees, which is now reflected in the updated list in Appendix 2.

Annual Council on 20 May 2021 recommended the agreed appointments to Various Bodies, Groups and Panels be submitted to the next available meeting of the Council

4. POLICY IMPLICATIONS

The Council's constitution is a public document which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

Constitutions provide the foundations for any local authority that aspires to be effective, progressive and successful.

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

The Local Government Act 2000 requires local authorities to prepare, keep up-to-date and publicise their constitution. The Monitoring Officer has authority to make amendments to the Constitution which are required to comply with the law or to reflect decisions of the Council, but all other changes to the constitution requires the approval of full Council.

The Council's functions relating to town and country planning and development control can be delegated to the Planning & Highways Committee and under the Officer Scheme of Delegation. Such delegated powers and functions by Council must be accurately reflected in the constitution, and exercised in accordance with relevant legislation and the constitution.

By law, all property transactions transferring an interest in land must be executed as a deed. In addition, under the Council's constitution contracts over a certain value or considered to be of a strategically important or politically sensitive nature, or where an extended limitation period would be of value, must be in writing and executed as a deed. The Council execute deeds by affixing its seal, which must be kept in safe custody and its use subject to strict controls.

In accordance with legislation and the Constitution, appointments to committees of the council approved by Council, usually at Annual Council. Any subsequent changes to membership to committees also requires Council approval.

7. RESOURCE IMPLICATIONS

None

8. EQUALITY IMPLICATIONS

None, but individual decisions under the powers in legislation and constitution will be subject to the Equality Act 2010 and an equality assessment, if necessary.

9. CONSULTATIONS

Council senior officers and members. The Cross Party Member's Planning Working Group considered the proposed changes to the delegation planning powers on 14 September 2021. The Planning & Highways Committee also considered the proposed changes at its meeting on 16 September 2021.

Contact Officer: Asad Laher, Strategic Head of Service - Legal & Governance
(Monitoring Officer)

Date: 24 September 2021

Background Papers:

