

Subject:	Committee review	Status:	For Publication
Report to:	Council	Date:	20 th March 2024
Report of:	Committee and Member Services Manager	Lead Member:	Environment and Corporate Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached: No	No
Biodiversity Impact Assessment:	Required: No	Attached: No	No
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1. RECOMMENDATION

Council agree the following committee changes and Constitution changes as detailed in Appendix A (with effect from 2nd May 2024):

- a) reduce the Overview and Scrutiny Committee to seven elected members.
- b) changes to committee terms of reference and working groups.

2. EXECUTIVE SUMMARY

- To consider proposed changes to the structure and remit of the Council's committees, panels and working groups.
- The proposed changes will assist with the transition to 30 councillors in May 2024.
- Changes include reviewing the terms of reference of various committees, panels and working groups, to help reduce the expected workloads and reduce the number of committee and working group members to assist with substitution requirements.
- Governance Working Group considered the report and proposed changes to the Constitution on 7th February 2024. The group recommended approval with the exception of the proposal to reduce the Audit and Accounts Committee to five members.

3. BACKGROUND

The report aims to identify where changes can be made to the committee structure and remit in order to assist with councillor workloads and the transition from 36 to 30 councillors in May 2024.

4. DETAILS

4.1 From May 2024 the changes proposed by the Local Government Boundary Commission will be introduced in Rossendale concerning the number of councillors and structure of the local electoral wards. The impact of this will see an increase in councillor workloads. This report seeks to review and make proposals to minimise impact from the changes being introduced.

Committee structures

- 4.2 The Council has four main committees which are open to the public in addition to the Cabinet, these are Development Control, Licensing, Audit and Accounts and Overview and Scrutiny.
- 4.3 To minimise impact from the reduction in the number of councillors it is proposed to reduce the size of committees and working groups where possible. This will assist political groups in finding suitable trained substitutes from their reduced numbers who will be able to cover for any committee absences should the need arise.

- 4.4 It is proposed to reduce the Overview and Scrutiny Committee to seven elected members from ten.
- 4.5 There are no proposed changes to the Audit and Accounts Committee, although a proposal to reduce this committee to five members was considered by the Governance Working Group. The Governance Working Group recommended keeping seven members on this committee to keep it the same size as the Overview and Scrutiny Committee, since the committee also provided a scrutiny function. No changes are proposed to the size of the Development Control Committee, since the size of this committee was already reduced from nine to seven in May 2023. There are also no changes proposed to the Licensing Committee.
- 4.6 The Licensing Act 2003 (“The Act”) s.6 (1) requires a licensing authority to establish a licensing committee consisting of at least ten but not more than fifteen members of the authority. As the current number of elected members on this committee is eleven, no further changes are proposed for the following reasons:
- The majority of the work undertaken by this committee is through sub-committees comprised of three members taken from the main Licensing Committee, rather than the work being carried out by the entire committee membership.
 - There is just one full committee meeting every March to approve sub-committee minutes and for the committee to receive any relevant updates. Additional meetings will only be scheduled on an ad hoc basis (where necessary) to review and make recommendations relating to licensing policy.
 - Substitutes are not permitted on anything which falls under “The Act”, therefore there is no proposal to reduce committee numbers further since Licensing Sub-committee Hearings must be conducted within specified timescales, using members from the main committee only, and in some instances ward member restrictions also apply in the case of premises licence hearings. Therefore to reduce membership further would create a risk of there being insufficient members available to form a panel within the required legal timescales.
- 4.7 Cabinet size would remain unaffected by any proposals since the Leader of the Council is required to make the Executive Cabinet appointments.
- 4.8 It is proposed to reduce the size of the working groups from seven to five members and review and consolidate the number of working groups by amending the terms of reference.

Terms of Reference (TOR)

Overview and Scrutiny

- 4.9 The TOR for Overview and Scrutiny need to be reviewed since they contain duplications and items that are no longer relevant, suggested amendments are as follows:
- To delete the reference to scrutiny forms, since these are work programme requests and are already included in the TOR.
 - In relation to consultations, it is proposed to delete this reference since the Council has created a separate Consultation Working Group (to be amended to the Cross Party Working Group) to deal with consultation responses.
 - To consider adding extra wording to the reference to the Corporate Plan so the subsequent duplication can be deleted.
 - To amend the wording in relation to Rossendale Leisure Trust to reflect the focus of monitoring performance.

Appointments and Appeals Committee

4.10 A panel is formed from the committee membership to hear staff dismissal appeals or to consider the appointment or dismissal of Chief Officers. The wording at this section has been amended to reflect current practice in line with the Council's Disciplinary Procedure and other relevant Council policies.

Working Groups

4.11 The Council has a number of working groups in existence which can be consolidated to reduce the number of groups, or brought up to date by reviewing the terms of reference. It is proposed to reduce the number of members on working groups to five (from seven) unless otherwise stated.

4.12 Other than the number of members on the group, there are no proposed changes to the Governance Working Group.

4.13 It is proposed to discontinue the Grants Advisory Working Group, since a delegation already exists to determine grant requests for up to £5000 as detailed in Part 3 Delegations to Specific Officers, Chief Finance Officer, section 7.2d of the Council's Constitution.

4.14 It is proposed to rename the Consultation Working Group the Cross Party Working Group and remove any other existing groups set up for the purpose of cross party consultation to ensure there is no duplication. This includes the Project Development Consultation Group and also the Leisure Cross Party Working Group. The Project Development Consultation Group has not met for some considerable time and whilst it is not included in the Constitution it is referenced in the annual list of Committee Appointments. The remit of these groups can be accommodated in the functions of the Cross Party Working Group. Changes have been proposed to the TOR to make better use of this group and allow a more flexible approach to its membership. A more fluid membership has been proposed, and the group can be expanded where a wider range of views are being sought (so long as this is in keeping with the political balance).

4.15 The Local Plan Steering Group was set up to develop the Local Plan, but is now only required to undertake the subsequent reviews. The TOR and title have been amended to reflect this change.

5. RISK

All the issues raised and the recommendations in this report involve risk considerations as set out below:

- The reduction in the number of councillors and bigger ward areas will increase councillor constituent case work. There is a need to try to reduce other workloads to accommodate the new changes.
- Political groups will struggle to accommodate committee work and find suitable committee substitutes (when required), without reviewing and amending the committee structures and terms of reference.

6. FINANCE

There are no specific financial implications identified arising from this report.

7. LEGAL

There are no specific legal implications identified arising from this report other than those detailed at 4.6.

8. POLICY AND EQUALITIES IMPLICATIONS

There are no identified equality impacts or policy implications for the Council arising from this report.

9. REASON FOR DECISION

To accommodate councillor workloads and minimise the impact in the reduction of councillors from 36 to 30.

No background papers

Part 1 Summary and Explanation page 3

1.3 How the Council operates

The Council is composed of ~~36~~30 Councillors normally elected in thirds and, in usual circumstances, such Councillors serve for four years.

Part 2 Articles pages 6, 8 and 15

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

a) **Composition.** The Council comprises ~~36~~30 members, otherwise called councillors.

2.06 Members Working Groups

The Council has established the following Members Working Groups:

- Governance Working Group
- ~~Grants Advisory Group~~
- ~~Consultation Cross Party~~ Working Group
- Local Plan Review Steering Group

ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEE

7.01 Appointment, Membership and Terms of Reference

The Council will appoint:

One Overview and Scrutiny Committee (~~10~~7 Members) plus one co-opted Member.

Part 3 Terms of Reference pages 37 - 42

6. OVERVIEW AND SCRUTINY COMMITTEE

The committee will:

- ~~To consider any scrutiny forms that are received and determine the appropriate course of action~~
- ~~To c~~Consider work programme requests and agree the work programme
- ~~To c~~Conduct research, undertake community and other consultation in the analysis of policy issues and possible options
- ~~To q~~Question and gather evidence from any person (with his or her consent)
- ~~To receive consultation documents as appropriate and agree a small response group to reply to specific documents, as necessary~~
- ~~To m~~Make recommendations to the Cabinet, Council and other organisations where appropriate
- ~~To p~~Produce an Annual Report
- ~~To d~~Develop and review such policy matters as it sees fit
- ~~To e~~Consider and implement mechanisms to encourage and enhance

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- community participation in the development of policy options
- ~~To q~~Question members of the Cabinet and/or committees and or officers about their views on issues and proposals affecting the area
- ~~To m~~Monitor existing council policies to ensure recommendations are being implemented
- ~~To m~~Monitor the Forward Plan and agree those policies to be scrutinised prior to decision by Cabinet/Full Council
- ~~To m~~Monitor complaints handling and Ombudsman enquiries through the Council's performance reports
- ~~To monitor Ombudsman complaints~~
- ~~To m~~Monitor and scrutinise the Council's Corporate Plan and policy objectives, and where appropriate service improvement plans, and make recommendations on the plan to the Cabinet
- ~~To e~~Consider and monitor the performance of the Cabinet and other council committees and officers, as appropriate
- ~~To a~~Assist the Council and the Cabinet in the Budget and Policy Frameworks
- ~~To e~~Consider budget options as part of the budget consultation process
- ~~To consider the Corporate Plan and make recommendations on the plan to the Cabinet~~
- ~~To s~~Scrutinise decisions made by the Cabinet and other council committees and officers
- ~~To q~~Question members of the Cabinet and Chairs of committees, Chief Officers and Head of Service about their decisions and performance
- ~~To s~~Set up Task and Finish Groups; with a maximum of two such groups operating at any one time; and to agree terms of reference and project plans before work starts
- ~~To e~~Consider final reports from the Task and Finish Groups
- ~~To d~~Deal with any relevant Councillor Call for Action requests and determine the appropriate course of action
- Scrutinise decisions referred to it under the 'Call-in Procedure'
- Review and scrutinise the performance of other public bodies whose operations affect the area and invite reports from them or request them to address the Overview and Scrutiny Committee and local people about their activities and performance
- ~~To l~~Liaise with external organisations whose operations affect the area to ensure that the interests of local people are enhanced by collaborative working
- ~~To r~~Receive presentations from external organisations and partners
- ~~To s~~Scrutinise Rossendale's contribution to the Pennine Lancashire Community Safety Partnership and to act as the Council's Crime & Disorder Committee
- ~~To m~~Monitor the funding and legal agreements agreed with performance of Rossendale Leisure Trust ~~and receive financial/performance monitoring~~

~~reports.~~

7 REGULATORY COMMITTEES

7.1 DEVELOPMENT CONTROL COMMITTEE

The committee will:

1. ~~To c~~Consider and determine applications made by the Council, councillors or their spouses or partners, officers or where the relevant Director or Monitoring Officer has been made aware that a councillor or an officer has an interest in the property.
2. ~~To c~~Consider and determine all planning applications on Council owned land, by or on behalf of the Council, its parties, organisations or other agents.
3. ~~The c~~Consideration of objections and the confirmation/modification of tree preservation orders to which objections have been received.
4. Consider ~~T~~the nomination of a member of the Development Control Committee to represent the Council at any hearing or Inquiry, where the decision was made contrary to policy and officer advice.
5. PConsider planning applications relating to strategic applications which include:-
 - a) the provision of dwelling houses where:-
 - i. 15 or more dwellings are to be provided; or
 - ii. the site area is 0.5 hectare or more; or
 - b) buildings are to be provided with a floor space of 1000 square metres or more; or
 - c) the site to be developed is 1 hectare or more; or
 - d) developments which require an environmental statement.
6. ~~To c~~Consider and determine applications or notifications which have received three or more material planning objections and which are recommended by officers for approval.
7. ~~To c~~Consider and determine applications which have been called in, in accordance with the call in procedure (set out in Part 4 of this Constitution).

7.2 LICENSING COMMITTEE

The committee will deal with the following items, except those matters which are delegated to the Council and/or officers:

- Waste Management Licences
- Stage Play Licences
- Pet Shops Licences
- Animal Boarding Establishment Licences
- Guard Dog Licences
- Game Dealers Licences

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- Scrap Metal Dealers Licences
- Rag Flock and Other Materials Act
- Riding Establishment Licences
- Breeding of Dogs Act Licences
- Acupuncture
- Tattooing, Ear Piercing and Electrolysis
- Licences to Plant trees in highways
- Licences re Caravan Sites and Control of Development Act, 1964 /sections 44 and 45
- Dangerous Wild Animals
- House to House and Street Collections
- Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Operators (delegated by Council 23/02/2011)
- Second Hand Dealers
- Hypnotism
- Sex Establishments
- Street Trading
- Licensing Matters (Licensing Act 2003)
- Licensing Matters Gambling Act 2005
- Policy statement on guidelines to convictions including statement of policy about relevant convictions (delegated by Council 26/03/2014)
- Enforcement Policy: Hackney Carriage and Private Hire Drivers (delegated by Council 23/02/2011)
- Hackney Carriage Intended 'Use' Policy (delegated by Council 24/02/2016)

Thee committee will deal with the following items via a politically balanced sub-committee (panel of 3 members), except those matters which are delegated to the Council and/or officers:

- Taxi Licence Applications (non-statutory committee)
- Premises Licences (statutory committee)

Sub-committees will be made up of Licensing Committee members, or if substitutes are required

(on the non-statutory committee only), any other member may substitute by agreement with the Chief Executive that the member has undertaken the necessary training to take part in the committee's work. The Chair of the Licensing Committee will act as the chair person for all Licensing Sub-Committee meetings, otherwise the Vice-chair of Licensing will fulfil this role where available. They will automatically chair the sub-committees without the need to be formally appointed as the chair person.

8. STANDARDS PANEL

Roles and Functions

The Standards Panel will have the following roles and functions:

- a) To consider and determine complaints about breaches of the Members' Code

- of Conduct;
- b) To deal with any reports from the Monitoring Officer on standards complaints;
 - c) To exercise functions in relation to standards arrangements for Whitworth Town Council and the Members of Whitworth Town Council.

9. APPOINTMENTS AND APPEALS COMMITTEE

The committee will:

- 1. ~~To~~ Undertake all stages in respect of the appointment or dismissal of Chief Officers in accordance with the Council's Officer Employment Procedures.
- 2. ~~Personal~~ **Dismissal Appeals**

~~To~~ Hear and determine dismissal appeals of Council staff in line with the Council's Disciplinary Procedure and other relevant Council employment policies. in connection with:

- ~~i. the grading of posts~~
- ~~ii. grievances~~
- ~~iii. disciplinary action, including dismissal~~
- ~~iv. other claims relating to individual contracts of employment~~

~~3. Other Appeals~~

~~To hear and determine any appeal against the decision of the Council (except where such appeals have been delegated to officers or to another body or committee).~~

10. AUDIT AND ACCOUNTS COMMITTEE

Statement of purpose

- 1. The Audit and Accounts Committee is a key component of Rossendale Borough Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 2. The primary purpose of the committee is to provide independent assurance to the members (being those charged with governance) of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 3. The committee's members should therefore behave objectively and independently in their deliberations and decisions.

Governance

The committee will:

- 4. Review the Council's corporate governance arrangements against the good governance framework, and consider annual governance reports and assurances.
- 5. Review and recommend the local code of corporate governance for adoption by

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the Council.

6. Review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the head of internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
7. Consider the Council's arrangements to secure value for money, and review assurances and assessments on the effectiveness of these arrangements.
8. Consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
9. Consider the Council's arrangements for discharging its duties in relation to promotion and maintenance of high standards of conduct by members and co-opted members, in accordance with the Localism Act 2011.
10. ~~To m~~Make recommendations to the Cabinet, Council and other organisations where appropriate.

Risk management and control

The committee will:

11. Monitor the effective development and operation of the risk management framework and processes across the Council.
12. Monitor progress in addressing risk-related issues reported to the Committee.
13. Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
14. Review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
15. Monitor the counter-fraud strategy, actions and resources, including any instances of whistleblowing.

Internal audit

The committee will:

16. Consider the internal audit charter approved by Lancashire County Council.
17. Approve the risk-based internal audit plan, including the Internal Audit Service's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
18. Approve significant interim changes to the risk-based internal audit plan and resource requirements.
19. Make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
20. Consider reports from the head of internal audit on internal audit's performance during the year, including the performance of any other external providers of internal audit services.

These will include:

- a. Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
- b. Regular reports on the results of the Audit Quality Assurance and Improvement Programme.
- c. Reports on instances where the Internal Audit Service does not conform to the Public Sector Internal Audit Standards and Local Government

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Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

21. Consider the head of internal audit's annual report:
 - a. The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement.
 - b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion, which will assist the committee in reviewing the annual governance statement.
22. Consider summaries of specific internal audit reports as requested.
23. Receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
24. Contribute to the Audit Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

External audit

The committee will:

25. Consider the appointment of the Council's external auditor proposed by Public Sector Audit Appointments Limited and assess whether there are any valid reasons for the Council to object.
26. Support the external auditor's independence through consideration of its annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Limited.
27. Approve the letters of representation required by the external auditor and consider the external auditor's annual letter, audit opinion, relevant reports, and the report to those charged with governance.
28. Consider specific reports as agreed with the external auditor.
29. Comment on the scope and depth of external audit work and to ensure it gives value for money.
30. Commission additional work from the external auditor as necessary.

Financial reporting

The committee will:

31. Review and approve the annual statement of accounts. Specifically, it will consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
32. Consider the external auditor's report to those charged with governance on issues

arising from the audit of the accounts.

Accountability arrangements

The committee will:

- 33. Report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements; and internal and external audit functions.

11. WORKING GROUPS

GOVERNANCE WORKING GROUP

Number of Councillors: ~~7~~ 5

Quorum: 3

Terms of Reference

The working group will:

- ~~To m~~Monitor and review the Constitution and make recommendations on proposed amendments to Full Council.
- ~~To R~~Recommend improvements to Full Council resulting in a strong governance framework to ensure that ethical governance arrangements are appropriate and sufficiently robust.
- ~~To d~~Develop and provide strategic direction to formulate, implement, promote, monitor and evaluate member development.
- ~~To m~~Monitor strategically and to prioritise development plan activities.
- ~~To m~~Monitor strategically the member development budget.
- ~~To e~~Ensure link to Council aims, priorities and objectives.
- ~~To m~~Maintain the Member Development Charter
- ~~To e~~Ensure cross-party communication.
- ~~To e~~Ensure and promote equality and accessibility.
- ~~To p~~Promote diversity.
- ~~To d~~Demonstrate continuous improvement.
- ~~To a~~Agree the Induction Programme.
- ~~To p~~Promote the Protocol on Member/Officers Relations
- Assisting Councillors and Co-opted Members to observe the Members' Code of Conduct
- Arranging training for Councillors and Co-opted Members on matters relating to the Members Code of Conduct
- Produce an Annual Training Programme

~~GRANTS ADVISORY WORKING GROUP~~

~~Number of Councillors: 7~~

~~Quorum: 3~~

~~Terms of Reference~~

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- ~~• To review applications and make recommendations to the relevant Lead Member, the relevant Director and the Council's Section 151 Officer on grant allocations specifically:~~
- ~~• To consider how the grants assist the Council with their shared objectives in line with the Council's Policy on Grants to Voluntary Sector Bodies.~~
- ~~• To consider how to publicise availability of grant opportunities.~~

CONSULTATION CROSS PARTY WORKING GROUP

Number of Councillors: 7~~5~~
Quorum ~~(for responses)~~: 3

Terms of Reference:

- ~~• Consider any matter which requires cross party consideration or response.~~
- ~~• Group leaders will confirm their participating members prior to each meeting convened.~~
- ~~• Substitutes may be provided where required e.g to cover absence or conflict of interest.~~
- ~~• The number of councillors on the group may be expanded where a wider range of views are sought, so long as political balance is retained.~~
- ~~• A Chairperson will be agreed at the start of the first meeting for each matter being considered by the group.~~
- ~~• To consider consultations received by the Council.~~
- ~~• To provide feedback on consultations received by the Council.~~

~~The Consultation Working Group (CWG) will act as a wider consultation reference group on range of council related issues.~~

~~The CWG will agree a chairperson at the start of each consultation meeting should it be required to meet.~~

~~The CWG will operate on a virtual basis, unless otherwise deemed necessary. This is to ensure the best use of councillor and officer time. This means that wider consultation material will be circulated via email and responses will be collated via email by a given deadline.~~

~~In terms of decision making, the decision of the group will be made according to the majority view once the deadline for responses is reached, or for meetings normal procedures will apply for instances where there is an even split of opinion (chair's second/casting vote).~~

~~Substitutes may be provided for this group by notifying Committee and Member~~

~~Services if any of the following apply:~~

- ~~• There is a conflict of interest.~~
- ~~• Cover for absence.~~
- ~~• Another member has more specialist knowledge of the consultation topic.~~

LOCAL PLAN REVIEW STEERING GROUP

Number of councillors: ~~7~~5
Quorum: 3

Composition

- ~~That m~~Membership of the Local Plan Review Steering Group should be based on the political balance of the Council.
- ~~The c~~Composition of the group should include the Lead Member covering planning and the Chair of Development Control Committee.

Terms of Reference

The group will:

- ~~To m~~Make recommendations on the content of the Local Plan to officers prior to consideration of the plan by Council.
- ~~To a~~Act as a mechanism for keeping members of political parties informed of progress in reviewing the Local Plan ~~preparation~~
- ~~To c~~Consider the appropriateness of the evidence base and to provide comments as necessary on particular documents.
- ~~To p~~Provide member input to comments made on behalf of the Council to Government, statutory bodies and neighbouring authorities on planning issues.
- Consider Any other matters as may be necessary to require the effective and timely ~~preparation~~review of the Local Plan.