

**Subject:** The Constitution

**Status:** For Publication

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**Report to:** Annual Council

**Date:** 18 May 2007

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**Report of:** Head of Planning, Legal and Democratic Services

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**Portfolio**

**Holder:** Finance and Risk Management

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**Key Decision:** No

Forward Plan  General Exception  Special Urgency

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**1. PURPOSE OF REPORT**

1.1 To adopt the Constitution of the Council.

**2. CORPORATE PRIORITIES**

2.1 The matter discussed in this report directly impact on all the corporate priorities, particularly in relation to delivering quality services to our customers.

2.2 The purpose of the Constitution is to:

1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organizations.
2. Support the active involvement of citizens in the process of local authority decision – making.
3. Help Councilors represent their constituents more effectively;
4. Enable decisions to be taken efficiently, effectively and transparently, with due regard to probity and equity;
5. Create a powerful and effective means of holding decision makers to account;
6. To ensure that no one will review or scrutinize a decision in which they were directly involved;

7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. Provide a means of improving the delivery of services to the community.

### **3. RISK ASSESSMENT IMPLICATIONS**

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

Failure to follow the Constitution risks legal proceedings being taken against the Council and members of the community being dissatisfied with the actions of Council.

### **4. BACKGROUND AND OPTIONS**

- 4.1 At its meeting on 19<sup>th</sup> December 2001 Rossendale Borough Council agreed the first Constitution of Rossendale Borough Council. The Constitution 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. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 4.2 The Constitution is divided into various Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in the document. This is the third Constitution of Rossendale Borough Council and is in the form (with certain revisions mentioned below) of amendments both actual and consequential, to the Constitution approved by Council on 24<sup>th</sup> August 2005.
- 4.3 Actual amendments include the Revised Contract Procedure Rules (formerly Contract Standing Orders) which were approved by the Council at its meeting on 28<sup>th</sup> February 2007, and the revised Member's Allowances Scheme approved on 28<sup>th</sup> February 2007.
- 4.4 Consequential amendments include Part 3 of the Officer Delegation Scheme, which deals with Delegation to Specific Officers and has been amended to take account of the new Management Structure.
- 4.5 The revisions (i.e. provisions not previously approved by Council) include:
- 4.5.1 A revised version of the Code of Conduct for Employees which includes new provisions relating to the ownership of intellectual property (paragraph 8) gifts (paragraph 14) which now provides that gifts other than nominal items such as calendars, diaries, etc. must be declined by employees (the previous reference to a nominal value of £10 has been

deleted) and public meetings (paragraph 18) which restricts attendance to meetings which are clearly not part of any party political activity, and are manifestly open to all.

4.5.2 The inclusion of a list of Members Working Groups, including the number of Members on each group, the quorum and terms of reference

4.5.3 Other general updates and improvements to the Constitution have been inserted. A hard copy of the Constitution will be distributed following approval at this meeting. A web link is provided for Members' information.

## **5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES**

5.1 The Financial considerations have been considered in, amongst other things Contract Procedure Rules and the Officer Scheme of Delegation. The Financial Procedure Rules are the key instructions which guide Members and Officers in dealing with financial issues. No changes are proposed at this juncture, though it is appropriate to review them in the medium term.

## **6. COMMENTS OF THE HEAD OF PLANNING, LEGAL AND DEMOCRATIC SERVICES**

6.1 All in this Report.

## **7. COMMENTS OF THE HEAD OF HUMAN RESOURCES**

7.1 The revised Code of Conduct for Employees has been approved by the Joint Consultative Committee (JCC); and the Officer Scheme of Delegation has been brought up to date.

## **8. CONCLUSION**

8.1 It is in the interests of the Borough formally to adopt the amended and revised Constitution.

8.2 A copy of the Constitution can be accessed online and is Available for inspection; if adopted a hard copy will be made available to Members.

## **9. RECOMMENDATION**

9.1 It is recommended that the Council adopts the Constitution of the Council.

## **10. CONSULTATION CARRIED OUT**

10.1 Parts of the Constitution have been previously considered by the Council; the revised Code of Conduct for Employees has been approved by the Joint Consultative Committee.

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Background Papers	
Document	Place of Inspection
The Constitution	Futures Park, Bacup