



**TITLE: REVISION OF NEW CONSTITUTION.**

**TO/ON: FULL COUNCIL 21<sup>ST</sup> SEPTEMBER 2005**

**BY: MARK WESTON, HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**LEAD MEMBER: COUNCILLOR DUNCAN RUDDICK**

**STATUS: FOR PUBLICATION**

**1. PURPOSE OF THE REPORT**

1.1 To seek Members' approval to amendments to the Constitution that was approved by Members at Full Council on 24<sup>th</sup> August.

**2. RECOMMENDATIONS**

2.1 That the Council approve the amendments to the Council's new Constitution as set out at Appendix 1, with effect from 1<sup>st</sup> October 2005.

2.2 That the Council delegates power to the Head of Legal and Democratic Services to make further minor amendments to the Constitution as they become necessary subject to both the Leader and the Leader of the Opposition agreeing that any such amendments are minor.

**3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION**

3.1 At its meeting on the 24<sup>th</sup> August the Council adopted a new Constitution for its new Governance Arrangements which is due to come into force on 1<sup>st</sup> October 2005.

3.2 At that meeting the issue of whether Members should have access to exempt information was raised. The Constitution as drafted would have meant that Members in certain instances would not have had access to exempt information.

3.3 Paragraph 21.2 on page 168 of Appendix 1 of this report states that an Overview and Scrutiny Committee would not be entitled to any part of a document that contains exempt or confidential information, unless that information was relevant to an action or decision they were reviewing or scrutinising or intending to scrutinise.

3.4 It is now recommended that paragraph 21.2(b) be deleted.

- 3.5 Paragraph 22.1 on page 169 of Appendix 1 to this report states that all Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business previously transacted at a meeting unless it contains exempt information falling within Paragraphs 1 to 6, 9, 11 and 14 as set out in the categories of exempt information.
- 3.6 It is recommended that paragraph 22.1(a) be deleted.
- 3.7 Paragraph 22.2 on page 169 of Appendix 1 to this report states that Members would not be entitled for their work as a Councillor to inspect any document relating to a key decision if it contained exempt information falling within paragraph 1 to 6, 9, 11 and 14 as set out in the categories of exempt information.
- 3.8 It is recommended that paragraph 22.2(a) be deleted.
- 3.9 These and further incidental proposed changes to the Constitution are highlighted in Appendix 1.
- 3.10 Paragraph 12.07 on page 33 sets out the agreed definition of a “key decision”.
- 3.11 On page 42 under the scope of the Audit and Performance Management Overview and Scrutiny Committee the words “review programme” have been deleted as these are considered to be superfluous.
- 3.12 On page 44 sub paragraph (viii) has been deleted as this was superfluous.
- 3.13 Paragraph 2 of the Overview and Scrutiny Procedure Rules has been amended to reflect the fact that the Overview and Scrutiny Committees will now appoint their own co-optee members.
- 3.14 The words “and any other key decisions” have been inserted into paragraph 9.1 of the Overview and Scrutiny Procedure Rules on page 173 as it is not only Committee decisions that can be called in but all key decisions as well whether made by the Cabinet, Committee or an Officer under the Officer Delegation Scheme.
- 3.15 The definition of Chief Officer has been amended to reflect the fact that the appointment of Chief Officers and the Monitoring Officer and the Section 151 Officer will be reserved to Council.

## **4. CORPORATE IMPROVEMENT PRIORITIES**

### **4.1 FINANCE AND RISK MANAGEMENT**

- 4.1.1 None.

## **4.2 MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS**

4.2.1 Member Training will be given in respect of the new Constitution. Training sessions have been arranged for Members on 19<sup>th</sup> and 26<sup>th</sup> September.

## **4.3 HUMAN RESOURCES**

4.3.1 Officer training will be given in respect of the new Constitution.

## **4.4 ANY OTHER RELEVANT CORPORATE PRIORITIES**

4.4.1 None.

## **5. RISK**

5.1 There is a risk that if adequate training on the new provisions is not provided then the new arrangements will not be as effective as they should be.

## **6. LEGAL IMPLICATIONS ARISING FROM THE REPORT**

6.1 As set out in the report.

## **7. EQUALITIES ISSUES ARISING FROM THE REPORT**

7.1 It is important that the Council's new Constitution is accessible to all sectors of the Community.

## **8. WARDS AFFECTED**

8.1 All.

## **9. CONSULTATIONS**

9.1 Leader.

Background documents: None.

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