

Subject: Amendments to the Constitution

Status: For Publication

Report to:

Date:

Standards Committee

24th February 2009

The Council

26th February 2009

Report of: Executive Director - Business

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

- 1.1 To request Members agree to the amendments to the Constitution outlined with this report.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this Report impact directly on all the corporate priorities and associated corporate objective, particularly in relation to delivering quality services to our customers:

- Delivering Quality Services to Customers (Customers, Improvement)
- Delivering Regeneration across the Borough (Economy, Housing)
- Keeping Our Borough Clean and Green (Environment)
- Promoting Rossendale as a cracking place to live and visit (Economy)
- Improving health and well being across the Borough (Health, Housing)
- Well Managed Council (Improvement, Community Network)

- 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 Councillors 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 scrutinise 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 recommendations 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 the Council.

4. BACKGROUND AND OPTIONS

4.1 Planning Scheme of delegation.

Members will recall that the changes to the Planning Scheme of delegation have already been through the following Council meetings:-

Policy Scrutiny Committee	26 th November 2007
Constitutional Working Group	9 th October 2007
Cabinet	12 th December 2007
Development Control Committee	11 th December 2007

The Audit Commission has also recommended in the recent Probity in planning report that the attached Scheme of Delegation requires adoption.

- The Scheme of Delegation ensures that in the event that 3 objections are received to a planning application and officers are recommending approval the application would automatically go to the Development Control Committee. This is as a result of comments received from members through the consultation process. Previously officers had recommended the number of objectors to be 6 objectors this has been amended.
- It is proposed that all certificate of lawfulness applications are dealt with by officers even in cases in which 3 objections are received. These applications are very much determined on a balance of probability and on the strength of the evidence presented. Rather than being applications which are judged on planning merits (amenity/scale etc). It is often the Assistant Head of Legal Services who advises and determines such matters.

- The new Scheme of Delegation is referred to below.

MATTERS DELEGATED TO THE EXECUTIVE DIRECTOR - BUSINESS

MATTERS NOT SUBJECT TO CALL IN PROCEDURE (NB matters marked # are still subject to call-in)

The Executive Director of Business shall be responsible for the day to day management of the Council's functions in relation to

- (1) Development Control
- (2) Conservation
- (3) Forward Planning
- (4) Building Control

To act on behalf of the Council and in accordance with the legislation, in relation to all Town and Country Planning and Development Control matters as set out in Regulation 2 and Schedule 1 to the Local Government (Functions and Responsibilities)(England) Regulations 2000, including determining applications for planning permission or advertisement control applications for listed building, tree works consent and Conservation Area Consent, lawful development certificates and under the Building Regulations, responding to consultations and all other matters submitted for the determination formal approval or comments of the Council as Local Planning Authority under the relevant Town and Country Planning Act and associated legislation.

the determination of the validity of applications;

the refusal of any planning application for insufficient information (all applications);

declining to accept repeat applications which have previously been refused where there has been no material change in circumstances and raise no significant new issues.

determination of whether variations and amendments to existing permissions may be treated as working amendments and the determination of these amendments and variations. Where a planning application is not required.

matters submitted for approval in accordance with a condition of a planning permission.

prior notifications and determinations of details (including those where prior approval is not required) where the period of response is less than 42 days;

certificates of lawfulness of existing or proposed uses or development.

determination of whether an environmental statement is required, the adoption of screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999;

enforcement action, service of enforcement notices, breach of condition notices, stop notices, temporary stop notices, tree replacement notices and untidy land notices under

the Town and Country Planning Act 1990;

enforcement action, service of repair, urgent works, and building preservation notices under the Planning (Listed Buildings and Conservation Areas) Act 1990;

the carrying out of work where notices have not complied and the recovery of costs incurred;

service of planning contravention notices and consideration of any offers and representations pursuant to such notices;

service of discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations;

notices and action under the Building Act 1984;

powers to deal with dangerous and dilapidated buildings, dangerous trees and dangerous excavations on land accessible to the public;

the authorisation of the completion, variation or discharge of Section 106 Agreements;

the making of Article 4 Directions withdrawing permitted development rights conferred by a development order, subject to consultation with the Portfolio Holder for Regeneration.

to exercise the powers of the Council relating to the protection of important hedgerows under the Hedgerow Regulations 1997;

all powers to serve notices shall include power to withdraw such notices.

to determine all complaints made under Part 8 of the Anti Social Behaviour Act 2003 for high hedges.

injunction proceedings;

to exercise powers of entry under the Anti Social Behaviour legislation and deal with;

determination of whether claims for deemed hazardous substances consent are invalid;

authorising the prosecution of offenders for offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Building Act 1984, and Regulations made under those Acts;

substitution of house types up to 15 in number;

the settlement of the amount of costs awarded to or against the Council on appeal;

the imposition of conditions on planning permissions and consents and the determination of reasons for imposing conditions;

the determination of reasons for refusal;

responses to consultations from other local planning authorities on applications other

than relating to strategic applications/ consultations on LDF documents.

the making/ modification and amendment of tree preservation orders and the confirmation of tree preservation orders where no objections have been received;

consent to fell, lop or top protected trees;

appointment of consultants in connection with any planning applications or any appeal;

to authorise the use of powers of entry under Local Government Legislation;

applications for approval of reserved matters which do not fall within the following:-

- (a) the provision of dwellinghouses where:-
 - (i) 15 or more dwellings are to be provided; or
 - (ii) the site area is 0.5 hectare or more;
- (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.

this delegation to be read in addition to the current scheme of delegation and all powers conferred para 5 of the Council's Constitution Para (5)e

applications or notifications which receive objections and which are recommended by Officers for refusal.

those matters not listed for decision by the Development Control Committee

MATTERS TO BE SUBJECT TO CONSULTATION WITH THE PORTFOLIO HOLDER

Amendments to minutes in cases of error

Consultations on Strategic planning applications in cases in which the time limit for response expires before the next Committee

Consultation responses to Government papers

EXERCISE OF DELEGATED POWERS

The Executive Director of Regulatory Services may authorise the Planning Manager/Building Control Manager and other officers to determine these matters on their behalf.

SCHEDULE OF DELEGATION ARRANGEMENTS FOR DEVELOPMENT AND RELATED MATTERS

MATTERS TO BE DETERMINED BY DEVELOPMENT CONTROL COMMITTEE

1. Applications made by the Council, Councillors or their spouses or partners, Members of Staff or where the Executive Director of Business has been made aware that a member of the Council or an Officer has an interest in the property.
2. All planning applications on Council owned land, by or on behalf of the Council, its parties, organisations or other agents.
3. The consideration of objections and the confirmation/modification of tree preservation orders to which objections have been received.
4. 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. Planning applications relating to Strategic applications which include:-
 - (a) the provision of dwellinghouses 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. Applications or notifications which have received six or more material planning objections and which are recommended by Officers for approval.
7. Applications which have been called in, in accordance with the call in procedure.

PLANNING CALL-IN PROCEDURE FOR DELEGATED APPLICATIONS

1. This procedure must be followed if a member is to require an application, which is delegated to be determined by the Executive Director of Business, to be referred to the Development Control Committee.
 1. All members will receive a weekly list of all planning applications received.
 2. Any member considering calling in an application must first discuss the reason for call-in with the Executive Director of Business or the Planning Manager.
 3. A member may only call-in an application if it is within their ward area and one of the nominated Councillors within the Groups on the Development Control Committee agrees that the matter should be called in.
 4. The call-in period is 14 working days from the receipt of the weekly list of planning applications.
 5. There will be two nominated Call-in Councillors on the Development Control Committee who will organise and submit the call-in and who must agree with the Ward member to the use of the planning call-in and that nominated Councillors will complete the call-in form. The names of the two nominated Councillor must be provided to the Executive Director of Business after Annual Council.
 6. Where an application is amended and subject to re-notification of neighbours, the ward member shall be re-notified in writing and a 10 day call-in period shall recommence.
 7. The attached Call-In Form must be used for Call-In. This will be attached to the weekly list. Call-ins will not be valid unless submitted on this form.
 8. Call-Ins will be date stamped on receipt. They must be emailed to the Planning Manager.
 9. Material Planning reasons for Call-In are required, eg not simply because Development Control Committee considered the matter previously.
 10. When a Call-In is received outside the Call-In period, the member will be notified that the Call-In is invalid. If there has been no Call-In within the Call-In period the application will be decided by the Executive Director of Business.
 11. Members may withdraw a call-in once made.

NB

1. Call-Ins should be kept to a minimum, as they increase costs and processing times. They have also affected National Indicator performance targets as due to call-ins we have been unable to place all required applications on the agenda.

Call in form
for planning applications.

Planning Application number _____

2009 /.....

Material Planning reasons for call-in

Date the weekly list was received

**(NB call-in to be received by the Planning Manager
within 14 working days of receipt of the weekly list)**

Councillor calling in the decision

Signed

Consultation with Nominated Council for call in

y/n

**(if the call-in is sent by email
no signature will be required)**

Dated

Signature of Planning Manager

Date received

4.2 Other amendments to the Constitution

- That the Committee Schedule should be submitted to the last meeting of the Council in the Municipal Year, to help with preparing the Council diary.

- That the following be deleted from the Constitution:

(g) To receive notification from the Leaders of the Political Groups of the names of persons which their respective Groups are appointed to fill in respect of seats allocated to them on the Cabinet, Committees and Sub-committees and of any changes to the names of persons appointed to such bodies and to appoint representatives to outside bodies;

- And the following be amended:

“The Chief Executive in consultation with the Leader and Deputy Leader of the Council and the Leaders of all Political Groups shall be authorised to agree any in- year amendments or changes to the appointment of Members to Cabinet, Committees, Sub Committees, Outside Bodies or Working Groups and that these be reported to the next Full Council meeting for information”.

- That the following be amended in relation to Part 4 of the Constitution (proper officers):

Section 8 Representation of People Act 1983 (Registration Officer) – Chief Executive

Section 35 Representation of People Act 1983 (Returning Officer) – Chief Executive

MEMBERS’ QUESTION TIME AT CABINET/PUBLIC QUESTION TIME

- That the Constitution is amended so that no specific members’ question time is added to the agenda and that all non-Cabinet members that attend Cabinet can ask a question when the report is debated.
- Speaking Procedures to be amended to include the following:-
 - Public Question Time to last usually up to 30 minutes.
 - No statements to be permitted – only questions
 - Only 1 question from each person to be submitted, the Chair to have discretion to allow a follow up question
- Village Green Applications are reported to Cabinet.
- The deletion of the Accounts Committee.

4.3 That the following role descriptions are adopted:

ROLE SPECIFICATION

LEADER OF THE COUNCIL

CONTEXT

The majority of the Council's Executive functions are the responsibility of the Cabinet (as assigned to it by law or under the Constitution) and they make most of the key decisions. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
- be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality of opportunity and good race relations;
- present where appropriate reports to the various Overview and Scrutiny Committees;
- represent the Council's view on Portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
- represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- promote key projects and initiatives within the portfolio locally, regionally and nationally;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- have a responsibility for any functions delegated to the Cabinet as a whole.

SPECIFIC ROLES AND RESPONSIBILITIES

In addition to these collective roles and responsibilities as a member of the Cabinet the Leader of the Council has a wider role extending beyond the Council, as set out below:

As A Member of the Cabinet

To be specifically responsible for:

- Providing political leadership in relation to the Council's reaction to legislation affecting the operation of Local Government as a whole, rather than specific services.
- Providing political leadership in relation to proposals for enhancing the system of two tier local government as they affect the Borough.
- Constitutional matters and the ongoing development of the Council's Constitution
- Providing leadership on the Council's emergency planning arrangements
- Coordinating the activities of the various portfolio holders.
- Chairing the Cabinet

As Leader within and Beyond the Council

To be specifically responsible for:

- Promoting the interests of the Borough and the Council in various regional, sub-regional and other fora, such as the regular meetings of Council Leaders and Chief Executives and the Pennine Lancashire Leaders and Chief Executives Group (PLLACE).
- Promoting the interests of the Borough and the Council in the wider local government context through the Local Government Association and other routes.
- Promoting the Borough to potential investors and partners.
- Ensuring the Council's voice is heard and that the Council plays a leading role within the Local Strategic Partnership
- Managing relationships between the Council's various political groups and ensuring that the Cabinet is properly accountable to the wider Council.
- Speaking on behalf of the Council.
- To agree urgent consultation responses to documents circulated by other bodies.

ROLE DESCRIPTION

DEPUTY LEADER OF THE COUNCIL AND PORTFOLIO HOLDER FOR REGENERATION

CONTEXT

The majority of the Council's Executive functions are the responsibility of the Cabinet (as assigned to it by law or under the Constitution) and they make most of the key decisions. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
- be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality of opportunity and good race relations;
- present where appropriate reports to the various Overview and Scrutiny Committees;
- represent the Council's view on Portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
- represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- promote key projects and initiatives within the portfolio locally, regionally and nationally;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- have a responsibility for any functions delegated to the Cabinet as a whole.

SPECIFIC ROLES AND RESPONSIBILITIES

To deputise for the Leader of the Council on those occasions where the Leader is unable to carry out his duties as set out in that particular role description.

The role of the Portfolio Holder for Regeneration is pivotal to the success of the Council in meeting its priorities especially the delivery of significant physical regeneration projects within the corporate and community-planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's Business Planning framework on all issues relating to the Economic Development, Regeneration, Development Control, Parking, Town Centre Coordinators, Forward Planning, Building Control, Land Charges and Strategic Housing.

The main areas of responsibility for the regeneration portfolio are:

- participation in the formulation and application of policies and in decision making on cross cutting issues, concentrating on the following policy and service areas:-
 - Regeneration, including business support, physical and regeneration and skills
 - Tourism including promoting Rossendale as a visitor destination and place for investment
 - Strategic Housing, including the provision of affordable housing, homelessness services and housing renewal activity in the Private Sector.
 - Development Control
 - Forward Planning, including the delivery of the Local Development Framework.
 - Building Control, including dangerous buildings
 - Land Charges
 - Parking
 - Liaising with the Member Champion for Tourism
 - Liaising with partners including Urban Vision, the Civic Trust, Greenvale Homes and Lancashire County Development Limited
 - Conservation and heritage matters
- to ensure that appropriate Strategies and Plans for Regeneration, Development Control, Forward Planning, Building Control, Land Charges and Strategic Housing are researched, formulated and reconciled with other Strategies and Plans of equivalent status.
- to market the borough within the sub-region, region and nationally, including providing political leadership in relation to the delivery of the Tourism Marketing Action Plan.
- to provide political leadership for the Council's involvement in the Elevate Housing Market Renewal Programme, including representing the Council on the Elevate Governing Body.
- to be a member of the Local Strategic Partnership's Regeneration Board, Culture Theme Group and Housing Theme Group, the Council's representative on Elevate and other bodies overseeing programmes and projects aimed at regenerating the Borough.
- To agree urgent consultation responses to documents circulated by other bodies.

ROLE DESCRIPTION

PORTFOLIO HOLDER FOR LEISURE

CONTEXT

The majority of the Council's Executive functions are the responsibility of the Cabinet (as assigned to it by law or under the Constitution) and they make most of the key decisions. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
- be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality of opportunity and good race relations;
- present where appropriate reports to the various Overview and Scrutiny Committees;
- represent the Council's view on Portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
- represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- promote key projects and initiatives within the portfolio locally, regionally and nationally;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- have a responsibility for any functions delegated to the Cabinet as a whole.

SPECIFIC ROLES AND RESPONSIBILITIES

The role of the Portfolio Holder for Leisure is pivotal to the success of the Council in meeting its priorities especially securing the delivery by Rossendale Leisure Trust and the Community Association of Whitworth (CLAW) of their business plans as set out within the corporate and community-planning framework adopted by Council.

The main areas of responsibility for the Leisure portfolio are:

- participation in the formulation and application of policies and in decision making on cross cutting issues, concentrating on the following policy and service areas:-
 - Leisure Centres, Sports & Leisure Facilities, Arts & Culture and Museums
 - Liaising with partners including Rossendale Leisure Trust and the Community Leisure Association of Whitworth (CLAW)
- to ensure that appropriate Strategies and Plans for Leisure and Culture are researched, formulated and reconciled with other Strategies and Plans of equivalent status.
- to be a member of the Local Strategic Partnership's Culture Theme Group and other bodies overseeing programmes and projects aimed at leisure and culture in the Borough.
- to liaise with the Portfolio for Communities and Neighbourhoods on the Health and Wellbeing agenda.
- to ensure leisure contributes to reduce health inequalities.
- To agree urgent consultation responses to documents circulated by other bodies.

ROLE SPECIFICATION

PORTFOLIO HOLDER FOR FINANCE AND RESOURCES

CONTEXT

The majority of the Council's Executive functions are the responsibility of the Cabinet (as assigned to it by law or under the Constitution) and they make most of the key decisions. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
- be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality of opportunity and good race relations;
- present where appropriate reports to the various Overview and Scrutiny Committees;
- represent the Council's view on Portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
- represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- promote key projects and initiatives within the portfolio locally, regionally and nationally;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- have a responsibility for any functions delegated to the Cabinet as a whole.

SPECIFIC ROLES AND RESPONSIBILITIES

The role of the Portfolio Holder for Finance and Resources is pivotal to the success of the Council in meeting its priorities especially the delivery of strong corporate governance, the sound management of all the resources at the organisation's disposal, and of the risks facing the organisation within the corporate and community-planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's Business Planning framework on all issues relating to the following service units:

- Financial Services, including risk management
- Property Services, including asset management
- Human Resources, including Health and Safety
- Communications
- Legal Services
- Democratic Services including Committee and Member Services and Elections
- Policy and Performance

The main areas of responsibility within the portfolio for Finance and Resources are:

- participation in the formulation and application of policies and in decision making on cross cutting issues, concentrating on the following policy and service areas:-
 - The Council's Policy Framework
 - The Corporate and Business Planning Framework
 - Financial Services
 - Internal Audit
 - Links with External Audit
 - Legal Services
 - Democratic Services and elections, including promotion of involvement in the democratic process and member training and development
 - Procurement
 - Property, Estates and Asset Management issues
 - Human Resource management, including organisational development, employee engagement and staff morale.
 - Health and Safety
 - Equalities
 - The Efficiency Agenda
 - Measures for ensuring the quality of data used to manage performance and support decision making.
 - The Strategic Risk Register and the corporate risk management process
 - Town Twinning
 - Liaising with partners including Lancashire Audit Services and Lancashire Procurement Hub
- To ensure that appropriate Strategies and Plans for these areas are researched, formulated and reconciled with other Strategies and Plans of equivalent status;

- To promote a culture of strong corporate governance and internal control within the Council
- To promote a culture of active management of risk and performance amongst the members of the Council.
- To provide political leadership for the process of improving the Council's Use of Resources Assessment score.
- To act as a champion for member and staff development within the Council.
- In conjunction with the Leader of the Council to provide a point of contact for the Council's External Auditor with the political leadership of the Council.
- To act as the member champion in relation to Asset Management issues.
- To act as the member champion in relation to Health and Safety issues affecting both the workforce and elected members.
- To take a lead on the development of services to support members in fulfilling their various roles.
- To act as the member champion in relation to Programme and Project Management and its effective delivery.
- To agree urgent consultation responses to documents circulated by other bodies.

ROLE DESCRIPTION

PORTFOLIO HOLDER FOR COMMUNITIES AND NEIGHBOURHOODS

CONTEXT

The majority of the Council's Executive functions are the responsibility of the Cabinet (as assigned to it by law or under the Constitution) and they make most of the key decisions. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
- be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality of opportunity and good race relations;
- present where appropriate reports to the various Overview and Scrutiny Committees;
- represent the Council's view on Portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
- represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- promote key projects and initiatives within the portfolio locally, regionally and nationally;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- have a responsibility for any functions delegated to the Cabinet as a whole.

SPECIFIC ROLES AND RESPONSIBILITIES

The role of the Portfolio Holder for Communities and Neighbourhoods is pivotal to the success of the Council in meeting its priorities especially the delivery of a range of activities related to the Council's work with key partners and stakeholders in the community to improve health outcomes and develop a cohesive community, within the corporate and community planning framework adopted by the Council..

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's Business Planning framework on all issues relating to the Neighbourhoods, Environmental Health, Licensing, Community Safety, in conjunction with appropriate Senior Officers.

The main areas of responsibility for the Portfolio Holder for Communities and Neighbourhoods are:

- participation in the formulation and application of policies and in decision making on cross cutting issues, concentrating on the following policy and service areas:-
 - Community Safety, including the Crime and Disorder Reduction Partnership
 - Neighbourhoods
 - Environmental Health
 - Licensing including liaising with the Chair of the Licensing Committee
 - Neighbourhood Teams and associated activities
 - Community Involvement and Engagement
 - Health Promotion
 - Community Cohesion
 - Liaison with the Local Strategic Partnership
 - Markets
 - Public Conveniences
 - Dog/Pest Control
 - Promotion and support of the voluntary sector, including grants to voluntary organisations
 - Services for younger people in conjunction with the Member Champion
 - Services for older people in conjunction with the Member Champion
 - Play Strategy
 - Arts and Culture Strategy
- To ensure that appropriate Strategies and Plans for the Communities Team, Environmental Health and Licensing are researched, formulated and reconciled with other Strategies and Plans of equivalent status.
- To be the member lead in respect of the development of the Borough's Sustainable Community Strategy.
- To promote the cultural diversity of the Borough.
- To promote the work of the Local Strategic Partnership within and outside the Council.
- To be a member of the Local Strategic Partnership's Community Safety, Health and Wellbeing and Children's Trust Groups and other bodies overseeing programmes and projects aimed at communities and neighbourhoods.
- To agree urgent consultation responses to documents circulated by other bodies.

ROLE SPECIFICATION

PORTFOLIO HOLDER FOR CUSTOMER SERVICES

CONTEXT

The majority of the Council's Executive functions are the responsibility of the Cabinet (as assigned to it by law or under the Constitution) and they make most of the key decisions. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
- be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality of opportunity and good race relations;
- present where appropriate reports to the various Overview and Scrutiny Committees;
- represent the Council's view on Portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
- represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- promote key projects and initiatives within the portfolio locally, regionally and nationally;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- have a responsibility for any functions delegated to the Cabinet as a whole.

SPECIFIC ROLES AND RESPONSIBILITIES

The role of the Portfolio Holder for Customer Services is pivotal to the success of the Council in meeting its priorities especially the delivery of a customer centred approach to the delivery of services, the development and embedding of service standard across the Council and the communication of these issues to stakeholders within the corporate and community-planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's Business Planning framework on all issues relating to the Customer Services and ICT Service, in conjunction with appropriate Senior Officers.

The main areas of responsibility for Quality Service to Customers are:

- participation in the formulation and application of policies and in decision making on cross cutting issues, concentrating on the following policy and service areas:-
 - Customer Services, including the Council's Customer Service Standards
 - Revenues, Benefits and Fraud Investigations
 - Council tax and non-domestic rates
 - Liaising with the Member Champion for Equalities
 - Communication and Marketing of the Council
 - E-Government
 - ICT
 - Complaints, including Ombudsman complaints
 - Business Transformation
 - The Use and Management of Information
 - Liaising with partners including Capita, Rossendale Leisure Trust and Community Leisure Action Whitworth (CLAW)
- To ensure that appropriate Strategies and Plans within the service area are researched, formulated and reconciled with other Strategies and Plans of equivalent status;
- To champion the Council's customer service standards within and outside the Council;
- To act as the Member e Champion.
- To be a member of the Strategic Governance Board for the Revenues, Benefits and Customer Contact strategic partnership contract.
- To be a member of the Community Network and other bodies overseeing programmes and projects aimed at customer services.
- To agree urgent consultation responses to documents circulated by other bodies.

ROLE DESCRIPTION

PORTFOLIO HOLDER FOR ENVIRONMENTAL SERVICES

CONTEXT

The majority of the Council's Executive functions are the responsibility of the Cabinet (as assigned to it by law or under the Constitution) and they make most of the key decisions. The Cabinet has to make decisions which are in line with the Council's overall policies and budget.

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
- be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
- ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
- commit to the delivery of fair and non discriminatory services to all members of the local community;
- commit to upholding human rights and promoting equality of opportunity and good race relations;
- present where appropriate reports to the various Overview and Scrutiny Committees;
- represent the Council's view on Portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
- represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
- participate as a member of any panel, task group or other Council forum as appropriate;
- promote key projects and initiatives within the portfolio locally, regionally and nationally;
- participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
- have a responsibility for any functions delegated to the Cabinet as a whole.

SPECIFIC ROLES AND RESPONSIBILITIES

The role of the Cabinet Member for Environmental Services is pivotal to the success of the Council in meeting its priorities relating to the quality of the local environment within the corporate and community-planning framework adopted by Council.

In addition, this role has lead political responsibility for the successful delivery of operational and financial performance targets within the Council's Business Planning framework on all issues relating to Operational Services, in conjunction with appropriate Senior Officers.

The main areas of responsibility for the Portfolio Holder for Environmental Services are:

- participation in the formulation and application of policies and in decision making on cross cutting issues, concentrating on the following policy and service areas:-
 - Operational Services including:
 - Waste Management and the Joint Municipal Waste Strategy
 - Recycling
 - Parks and Open Spaces, including the Open Spaces Strategy
 - Bereavement Services
 - Grounds Maintenance
 - Street Cleansing
 - Land Drainage
 - Environmental Strategy and associated environmental initiatives
 - Climate Change
- To ensure that appropriate Strategies and Plans for operational services and environmental matters are researched, formulated and reconciled with other Strategies and Plans of equivalent status.
- To act as a champion within the Council for working in and with neighbourhoods.
- To provide political oversight and challenge to the processes used within the portfolio area for managing and mitigating risks to the health, safety and welfare of users of services and the Council's staff engaged in service delivery.
- To be a member of the Local Strategic Partnership's Environment Theme Group and other bodies overseeing programmes and projects aimed at Environmental Services.
- To agree urgent consultation responses to documents circulated by other bodies.

SHADOW PORTFOLIO HOLDER

ROLE DESCRIPTION

Shadow Portfolio Holders are responsible for familiarising themselves with the specialist area(s) of the Council's work and for effective challenge and scrutiny of the Cabinet and that Portfolio Holder.

MAIN DUTIES AND RESPONSIBILITIES

- To shadow the Cabinet Member(s) who cover their area(s) of defined responsibility.
- To ensure that the Opposition Leader and the Group, the Council, and the public are kept informed of important developments in the area(s) for which they have defined responsibility.
- To ensure that the overview and scrutiny of the area(s) for which they have defined responsibility is carried out in a spirit of constructive criticism.
- To ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision.
- To contribute to the work of the overview and scrutiny committees, in the area(s) for which they have defined responsibility.
- To contribute to the delivery of fair and non discriminatory services to all members of the local community.
- To commit to upholding human rights and promoting equality of opportunity and good race relations.
- To assist the Council and the Cabinet in the development of the policy framework and budget.
- To encourage and enhance community participation in the development of policy options, in the area(s) for which they have defined responsibility, by:-
- examining and reviewing decisions made by, and the performance of, the Cabinet and other committees;
- questioning Members of the Cabinet, Lead Members, and other appropriate committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets or in relation to particular decisions, initiatives or projects;
- To co-ordinate information gathering, in the area(s) for which they have defined responsibility, through liaison with officers and others, in order to inform the scrutiny process.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 With the deletion of the Accounts Committee, these functions should pass to Audit Committee.
- 5.2 Terms of reference for the Audit Committee need to incorporate those previously residing with the Accounts Committee. In particular the terms need to reflect the new governance responsibilities of the Audit Committee.

6. MONITORING OFFICER

- 6.1 Nothing further to add to the report

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No Human Resources implications in this Report.

8. CONCLUSION

- 8.1 It is in the interests of the Council to approve the amendments.

9. RECOMMENDATION

- 9.1 It is recommended that the Council adopts the Constitution, as amended.

10. CONSULTATION CARRIED OUT

- 10.1 Statutory Officers, Constitutional Working Group – minutes.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Background Papers	
Document	Place of Inspection
The Constitution	Futures Park, Bacup
The revised Constitution of Lancashire Local – Rossendale	Futures Park, Bacup
Constitutional Working Group Minutes	Futures Park, Bacup
Planning and Probity Report	Futures Park, Bacup