

Subject: Constitution of the Council

Status: For Publication

Report to: Annual Council

Date: 15th May 2009

Report of: Executive Director - Business

Portfolio

Holder: Finance and Resources

Key Decision: No – Reserved for Full Council

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.
- 1.2 To agree the Constitution for the year <http://www.rossendale.gov.uk/constitution>

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly 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 organisations;
 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 Members will recall that last year there were changes to the arrangements of Overview and Scrutiny. These arrangements have recently been reviewed in consultation with the Chair of Overview and Scrutiny and the Portfolio Holder for Finance and Resources to ensure that they remain relevant and support the work of the Council.

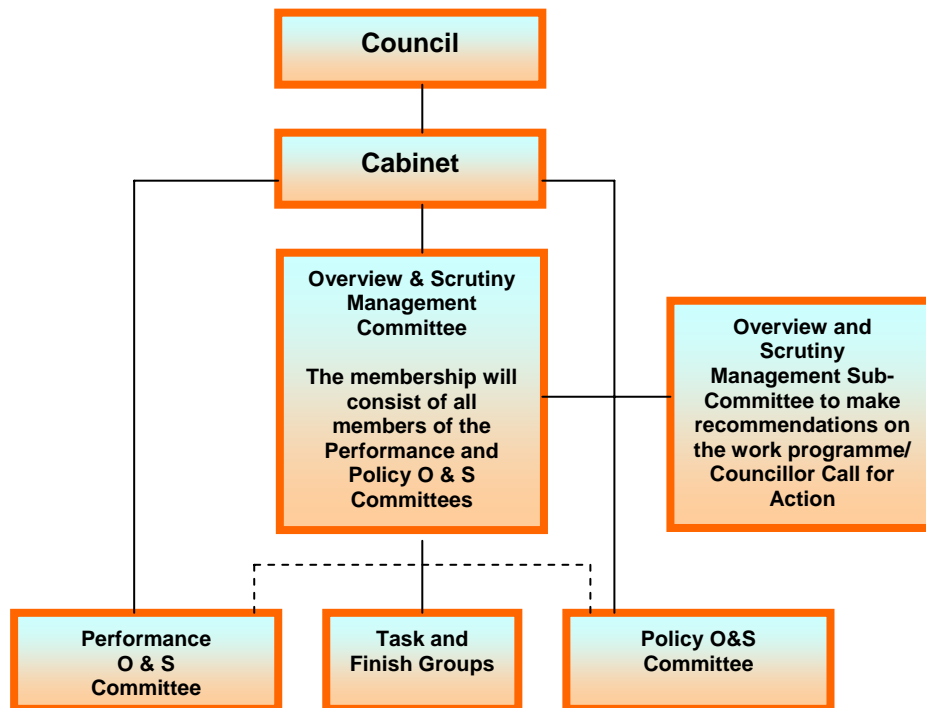
4.2 Appendix A sets out the proposed amendments to the Constitution. Tracked changes to the current Constitution are included so that Members are aware of what will be changed.

4.3 In summary it is proposed:

- To establish an Overview and Scrutiny Management Committee to oversee the work of the Policy Overview and Scrutiny Committee, Performance Overview and Scrutiny and the Task and Finish Groups. The role of the Management Committee will also be to invite external organisations to talk about their work in the Borough. Previous examples of this have included Accrington and Rossendale College, East Lancashire Hospitals NHS Trust and the Fire Service. It will also focus on any other key issues which arise during the year.
- To establish an Overview and Scrutiny Management Sub-Committee to consider scrutiny forms, Councillor Call for Actions and make recommendations on work programme requests.
- To include the scrutiny of the Crime and Disorder Reduction Partnership, which is a requirement under the Local Government and Public Involvement in Health Act in the Terms of Reference for the Overview and Scrutiny Management Committee.
- To include the scrutiny of leisure in the Terms of Reference of the Performance Overview and Scrutiny Committee.
- That Audit and Accounts Committee Members may participate in Overview and Scrutiny, either by serving on the Overview and Scrutiny Committees or by participating in Task and Finish Groups. Members of Audit and Accounts Committee may act as substitutes on Overview and Scrutiny.

- Members of Overview and Scrutiny may act as substitutes on the Audit and Accounts Committee.
- Members on the Audit and Accounts Committee may act as substitutes on Overview and Scrutiny.
- The Chairs of Performance and Policy Overview and Scrutiny Committee shall act as Chair and Vice-Chair of the Overview and Scrutiny Management Committee.

4.4 A copy of the proposed structure is set out below:



Performance and Policy will report directly to the Cabinet and will provide updates to the Overview and Scrutiny Management Committee.

OTHER PROPOSED AMENDMENTS TO THE CONSTITUTION

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF STANDARDS COMMITTEE

4.5 Current custom is for appointments of the Chairman and Vice-Chairman of the Standards Committee to be made at the first meeting of the Standards Committee. It is proposed to confirm this arrangement in the Constitution so that Full Council delegates authority to the Standards Committee to make the appointments and the Terms of Reference of the Standards Committee would be amended accordingly.

APPOINTMENT OF PROPER OFFICER FOR PUBLIC HEALTH

- 4.6 The Council is required to appoint Proper Officers under the Public Health (Control of Disease) Act 1984 as health protection duties and requirements fall to Local Authorities rather than to the Health Protection Agency or Primary Care trust. Section 47 of the National Assistance Act 1948, as amended, empowers a Proper Officer or, in the case of an emergency, two medical practitioners to act to protect the health of a vulnerable individual.
- 4.7 The Proper Officer is appointed by the Local Authority and in the past has usually been medically-qualified. The nominated consultant will be the main contact for any enquiries for these functions as listed in Appendix B but other consultants would be available under their out of hours on call arrangements and to provide cover arrangements.
- 4.8 It is proposed that any amendments to the names of Proper Officers set out in Appendix B be delegated to the Chief Executive so as to avoid reports coming back to Council for minor amendments.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 No financial implications arising from the report.

6. MONITORING OFFICER

- 6.1 Nothing further to add to the report.

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

- 7.1 No Human Resources implications from the 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 Leader of the Council, Chair of Overview and Scrutiny, Portfolio Holder for Finance and Resources, Leader of the Labour Group, Leader of the Liberal Democrat Group, Statutory Officers, Governance Working Group Members.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required	No
Is a Community 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