

**PART 1**

**SUMMARY AND EXPLANATION**

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## Summary and Explanation

### 1.1 The Council's Constitution

At its meeting on 19th December 2001 Rossendale Borough Council agreed the first Constitution of Rossendale Borough Council. This was updated on 24<sup>th</sup> September 2008, 26<sup>th</sup> February 2009, 25<sup>th</sup> March 2009, 15<sup>th</sup> May 2009 and 7<sup>th</sup> October 2009. 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.

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 separate rules and protocols at the end of the document.

### 1.2 What is in the Constitution?

Article 1 of the Constitution sets out the aims and principles of the Constitution and commits the Council to provide clear leadership to the Community in partnership with businesses and other organisations to support the active involvement of citizens in its decision making processes.

Articles 2 to 14 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Cabinet (Article 6)
- Overview and Scrutiny Committees and Audit and Accounts Committee (Article 7)
- Regulatory Committees, Neighbourhood Forums, (Article 8)
- The Standards Committee and Appointment and Appeals Committee (Article 9)
- Joint Arrangements and Neighbourhood Forums (Article 10)
- Officers (Article 11)
- Decision Making (Article 12)
- Finance, Contracts and Legal Matters (Article 13)
- Suspension, Interpretation and Publication of the Constitution (Article 14)

### 1.3 How the Council operates

The Council is composed of 36 Councillors normally elected in thirds and, in usual circumstances, such Councillors serve for four years. The overriding duty and accountability of Councillors is to the whole community, but they have a special duty to their constituents in their Wards, including those who did not vote for them.

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Councillors have to agree to follow a Code of Conduct for Councillors, Independent and other Voting Representatives to ensure high standards in the way they undertake their duties. The Code is based on the nationally prescribed model, which aims to ensure high ethical standards and increase public confidence in the integrity of their local Councillors and Co-opted members.

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The Standards Committee advises them on the Code of Conduct and ensures that they receive appropriate training and investigates complaints against Councillors.

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All Councillors meet together as the Council at the Full Council Meetings. Meetings of the Council are normally open to the Public. Here Councillors decide the Council's overall policies and set the budget each year. The Council also makes a number of appointments and these include:

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- The Leader
- The Cabinet
- Regulatory Committees
- Overview and Scrutiny Committees
- Audit and Accounts Committee
- Neighbourhood Forums
- Standards Committee
- Appointment and Appeals Committee

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The Leader allocates responsibilities (Portfolios) within the Cabinet.

Members of the public are able to ask questions during the Public Question Time at meetings of the Council, the Cabinet and at some Committees.

#### 1.4 How decisions are made

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Most day to day decisions are made by Senior Officers of the Council under delegated authority. The Council has a Cabinet and other Committees.

#### 1.5 The Cabinet

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The Cabinet carries out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. The Cabinet is primarily responsible for leading on Community Planning and searching for best value, taking Cabinet decisions on resources and priorities, preparing the budget for approval and leading on Council priorities and being the focus for forming partnerships with other local organisations.

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## 1.6 Regulatory Committees

Development Control Committee deals with Planning applications and related matters, and the Licensing Committee deals with issues such as taxi licensing and other licensing matters.

Meetings of the Council, its Cabinet and Committees are, by law, publicised well in advance and are open to the public except where exempt or confidential matters are being discussed.

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## 1.7 Overview and Scrutiny

There is an Overview and Scrutiny Management Committee and two Overview and Scrutiny Committees which support the work of the Cabinet, and the Council as a whole. One Overview and Scrutiny Committee deals with Policy and one Overview and Scrutiny deals with Performance. They are accountable to Full Council. They allow citizens to have a greater say in Council matters by discussing matters of local interest. This can lead to reports and recommendations which advise the Cabinet, other Committees and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Management Committee and Overview and Scrutiny Committees also monitor the decision of the Cabinet and other Council committees. Members and the Committees can "call-in" a decision of a non-regulatory committee which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. The Committees may recommend that the Cabinet or Full Council should reconsider the decision, and may also be consulted by the Cabinet and other Committees on forthcoming decisions and the development of policy. Another of their functions is to support the Cabinet in ensuring that the Council complies with its duties of best value and value for money. They have a key role to play in promoting and monitoring good performance management throughout the Council.

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## 1.8 The Council's Staff

The Council has people working for it called "Officers" to give advice, implement decisions and manage the day to day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Mutual respect between Members and Officers is vital and the Council has adopted a Protocol on Member/Officer Relations which is set out in Part 5 of the Constitution.

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## 1.9 Citizens' Rights

Citizens have a number of rights in connection with their dealings with the Council. These are set out in detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

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**PART 2**

**ARTICLES OF THE CONSTITUTION**

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# ARTICLE 1 - THE CONSTITUTION

## 1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

## 1.02 The Constitution

This Constitution and all its appendices is the Constitution of the Rossendale Borough Council.

## 1.03 Purpose of the Constitution

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 public 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.

## 1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

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## ARTICLE 2 - MEMBERS OF THE COUNCIL

### 2.01 Composition and Eligibility

- (a) **Composition.** The Council comprises 36 Members, otherwise called Councillors. One or more Councillor will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State or the Electoral Commission as appropriate.
- (b) **Eligibility.** Only registered voters of the Local Authority Area or occupiers of land or other premises in the area or those living or working there who are not disqualified by the provisions of section 80 of the Local Government Act 1972 will be eligible to hold the office of Councillor.

### 2.02 Election and Terms of Councillors

**Election and Terms.** The election of Councillors will be held on the first Thursday in May (by thirds) unless otherwise directed by Government. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and Functions of all Councillors

(a) **Key Roles.**

All Councillors will:

- collectively be the ultimate policy makers
- carry out a number of strategic and corporate management functions
- contribute to the governance of the area and actively encourage community participation and citizen involvement in decision making
- effectively represent the interests of their ward and of individual constituents and
- respond to constituents enquiries and representations fairly and impartially
- balance different interests identified within their wards and represent their ward as a whole
- be available to represent the Council on other bodies
- participate in the governance and management of the Council
- maintain the highest standards of conduct and ethics

(b) **Rights and Duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.

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(iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

(iv) No Councillor can issue an order for works to be carried out by or on behalf of the Council and nor can he or she claim any right to inspect or enter any land unless specifically authorised to do so by the Council.

#### 2.04 **Conduct**

Councillors will at all times observe the Members’ Code of Conduct and all other Council Protocols or Codes of Conduct.

The Council is required to maintain and update a Register of Personal Interests of its Members including Independent Members and Co-opted Members. The Register is available for public inspection at the Council’s Offices.

Members of the Council are required to make a commitment to undertake training and development as part of their acceptance of office.

#### 2.05 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme.

#### 2.06 **Members Working Groups**

The Council has established the following Members Working Groups:

- Accommodation Working Group
- Car Parking Working Group
- Christmas Lights Working Group
- Constitution Working Group
- Grants Advisory Group
- Member Development Working Group
- Rossendale Markets Liaison Group

The total number of Councillors on, the quorum and Terms of Reference of each Members Working Group are set out in Part 3 of the Constitution.

#### 2.07 **The Council shall appoint the following Controlling Member Champions from amongst its Members.**

Tourism Champion, Equalities Champion, Younger Peoples Champion and Old Peoples Champion.

#### 2.08 **A guide to being a Councillor is outlined below:**

There are two basic qualifications to stand for election, which are, that on the day of nomination, you must be:

- ~~18 years of age or over~~

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- A British subject, other Commonwealth citizen or a citizen of the Irish Republic or other European Union state

In addition you must satisfy at least one other qualification. The list below is a brief guide and full information is contained on the Consent to Nomination form which is available when there is an election:

- Be a local government elector for the area of the authority and/or
- Have for the twelve months preceding the day of nomination and election day occupied, as owner or tenant, any land in the area of the authority and/or
- Have the principal or only place of work during the preceding day of nomination and election day within the area and/or
- Have, during the whole of the twelve months preceding the day of nomination and election day, resided in that area

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Providing that you can say yes to one of these you are eligible to stand.

You cannot stand for election if:

- You are the subject of a bankruptcy restriction of interim order
- You are employed by the Council you want to become a Councillor for
- You hold what is known as a politically restricted post within a local authority
- You have served a prison sentence of three months or more within five years of the election
- You have been disqualified from holding office as a result of an election offence relating to corrupt or illegal practices.

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## ARTICLE 3 - CITIZENS AND THE COUNCIL

### 3.01 Citizens' Rights and Responsibilities

Citizens have the following rights:-

- (a) **Voting and Petitions.** Citizens on the electoral roll for the Borough have the right to vote and sign a petition to request a referendum for an elected mayor.
- (b) **Information.** Citizens have the right to:
- (i) attend meetings of the Council its Cabinet and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) see reports and background papers (excluding confidential or exempt information) and any records of decisions made by the Council, its Cabinet and Committees;
  - (iii) inspect the Council's accounts and make their views known to the external auditor;
  - (iv) inspect any document as set out in the Councils Publication Scheme;
  - (v) contact Councillors about all matters of concern to them;
  - (vi) obtain a copy of the Council's Constitution;
  - (vii) find out from the Forward Plan what Key Decisions are to be discussed by the Council, its Cabinet and Committees.

(c) **Participation.**

The Council welcomes participation by its citizens in its work. For further information on your rights as a Citizen please contact the committee and Member Services Manager – on 01706 252423 or [democracy@rossendalebc.gov.uk](mailto:democracy@rossendalebc.gov.uk).

Citizens have the right to:-

- (i) submit written questions to Council meetings.
- (ii) to ask questions at its Cabinet and Committee meetings.
- (iii) to be consulted on the level and quality of local services in accordance with the Council's Consultation Strategy.
- (iv) contribute to investigations by the Overview and Scrutiny Committees.
- (v) to speak at meetings.

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(vi) the procedure for Public Speaking at meetings is as follows:

## **PROCEDURE FOR PUBLIC SPEAKING**

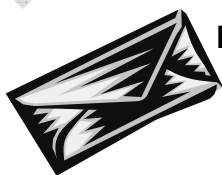
YOUR RIGHT  
TO SPEAK

Members of the public have the right to speak or ask questions at many of the meetings of the Borough Council on issues listed on the agenda for the particular meeting. Time is also set aside at the beginning of most meetings for the public to ask questions.

This leaflet explains the rights of the public to ask questions, speak at meetings of the Council and other Committees of the Council.

A separate leaflet explains the procedure for speaking at meetings of the Development Control Committee.

**IF YOU WOULD LIKE ANY FURTHER INFORMATION  
OR HAVE ANY QUERIES, PLEASE CONTACT:**



**Democratic Services Section  
P.O. Box 74 Kingfisher Business Centre  
Futures Park  
Bacup  
Lancashire  
Tel: 01706 252422  
Email: [democracy@rossendalebc.gov.uk](mailto:democracy@rossendalebc.gov.uk)**



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(d) **Complaints.** Citizens have the right to complain to:¶

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(i) the Council itself under its complaints scheme;¶

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(ii) the Local Government Ombudsman, after using the Council's own complaints scheme;¶

¶  
(iii) the Standards Committee about a breach of the Members' Code of Conduct.¶

¶  
(e) **Citizens Charter.** The Council will maintain a Citizens Charter which sets out the rights of citizens under this Constitution.¶

¶  
**3.02 Citizens' Responsibilities**¶

¶  
Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully damage property owned by the Council, Councillors or Officers.¶

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Citizens must not make vexatious or irrelevant complaints nor must they make unreasonable and repeated demands of the Council which could be to the detriment of other service users.¶

¶  
The Council welcomes participation by its citizens in its work. For further information on your rights as a Citizen please contact the Committee and Member Services Manager – on 01706 242423 or [democracy@rossendalebc.gov.uk](mailto:democracy@rossendalebc.gov.uk)

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<#>The Procedure for Public Speaking at Meetings is as follows:¶

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## DETAILS OF MEETINGS

Meetings are usually held in the Council Chamber, Hardman Mill, New Hall Hey, Rawtenstall and usually start at 6.30pm, with the exception of Full Council and Neighbourhood Forum meetings which start at 7pm. Details of meeting dates, times and venues are publicised on the Council's website [www.rossendale.gov.uk/meetings](http://www.rossendale.gov.uk/meetings) ; outside the One Stop Shop in Rawtenstall and at Rawtenstall Library, or they can be obtained from the Democratic Services Section.

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## AGENDA PAPERS

Agendas are usually published on the Council's website 5 clear days before the meeting. For a meeting on a Wednesday the agenda should be available for inspection at the One Stop Shop, Rawtenstall on the preceding Tuesday. Public copies of the agenda are available at the meeting. Please contact Democratic Services if you require information before the meeting or a copy of the agenda. Some items of Council business are confidential and the information is not available to the public.

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## PUBLIC QUESTION TIME

At certain Committee meetings, members of the public have a right to ask questions.

Question time will normally last up to half an hour.

Please note that you will have to attend the meeting in order to put your question and that you should attend the Committee which is responsible for the issue you are interested in. If you are unsure which meeting you should attend please contact Democratic Services.

The Public Question Time does not apply to meetings of the Development Control and Licensing Committees.

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## PUBLIC RIGHT OF ADDRESS

In addition to Public Question Time the public also have a right to speak ask questions at meetings on items which appear on the published agenda and guidance is given below. This does not apply to meetings of Full Council and the Cabinet.

## MEETINGS OF COUNCIL AND THE CABINET

At these meetings members of the public will only be entitled to speak ask questions at the Public Question Time item on the Agenda and not on each Agenda item. .

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## **GUIDANCE**

### **WHO CAN ASK A QUESTION?**

Any person who lives or works in the Borough.

### **DO I NEED TO GIVE NOTICE THAT I WANT TO ASK A QUESTION?**

No, but it will help the Council prepare an answer to your question if you do submit it in writing. Normally, only one speaker will be allowed to address the meeting on an item. Only one question from each person can be submitted. One person should act as spokesperson for a group with a common interest. The Chairman has discretion to allow a follow up question.

### **WHAT HAPPENS WHEN I ARRIVE?**

You should arrive at the meeting at least 10 minutes before the start of the meeting. Please make yourself known to the Committee Administrator. This allows time for an explanation of the procedures. It is usual for items for which members of the public are attending to be taken early in the proceedings.

### **CONSIDERATION OF AN ITEM ON THE AGENDA WILL NORMALLY RUN THROUGH THE FOLLOWING STAGES:-**

- First, the Chairman will call for a report to be made (a Council Officer will normally have submitted a written report with the agenda and he or she will be called upon to speak upon the report).
- Second, the members of the public will be invited to speak, ask a question.
- Next, members will debate the item.
- Following the debate, a decision will be made.

### **HOW LONG MAY I SPEAK FOR?**

A time limit of 3 minutes applies to each speaker for asking a question, though this may be extended if the meeting Chairman agrees. Please note that only 1 question from each person can be submitted. a speaker can only usually only address Members once, unless it is in response to a question from a member, or the Chair allows you to address members again. The Chairman has discretion to allow a follow up question

### **HOW SHOULD I ASK A QUESTION OR GIVE A STATEMENT?**

Begin by giving your name and address and whether you are speaking asking a question as an individual member of the public or as a representative of a group. Please note that statements are not permitted and only 1 question from each person can be submitted. The Chairman has discretion to allow a follow up question

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It is useful to prepare notes in advance to ensure that all the important points are covered. Try and be brief and to the point.

Do not make derogatory or defamatory statements.

Bring an extra copy of any prepared statement for the Chairman's information.

### SOME QUESTIONS ARE NOT ALLOWED

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You may not ask a question in furtherance of your own particular circumstances. These should be taken up with officers or Councillors outside of the meeting. Nor may people ask about a matter where there is a right of appeal to the courts, tribunal or to a Government minister. You may not ask a question about the service of any person employed by the Council.

The Chairman may disallow any question that, in his or her opinion, is improper, vexatious irrelevant or otherwise objectionable. The Chairman can also limit the number of questions that a person may ask. The answer may be given verbally or in writing.

Any question not dealt with at the meeting will normally be answered within 10 working days.

#### (d) Complaints. Citizens have the right to complain to:

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(i) the Council itself under its complaints scheme;

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(ii) the Local Government Ombudsman, after using the Council's own complaints scheme;

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(iii) the Standards Committee about a breach of the Members' Code of Conduct.

(e) Citizens Charter. The Council will maintain a Citizens Charter which sets out the rights of citizens under this Constitution.

### 3.02 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully damage property owned by the Council, Councillors or Officers.

Citizens must not make vexatious or irrelevant complaints nor must they make unreasonable and repeated demands of the Council which could be to the detriment of other service users.

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## YOUR RIGHT TO SPEAK AT THE DEVELOPMENT CONTROL COMMITTEE

This procedure explains how the Council's Development Control Committee works and how you can have your say upon an application of concern to you.

The Committee has to make decisions in the public interest and upon the merits of each application individually, upon the basis of what is relevant in the Development Plan and "any other material considerations". All representations made in writing will be taken into account in the written report, but this is another opportunity for you to make your views known.

A leaflet which summarises the procedure is available from Democratic Services. Please email [democracy@rossendalebc.gov.uk](mailto:democracy@rossendalebc.gov.uk) or telephone 01706 252423.

## DETAILS OF MEETINGS

Meetings of the Development Control Committee are usually held in the Council Chamber, Hardman Mill, New Hall Hey, Rawtenstall and usually start at 6.30pm. Details of meeting dates, times and venues are publicised on the Council's website at [www.rossendale.gov.uk/meetings](http://www.rossendale.gov.uk/meetings), outside the One Stop Shop in Rawtenstall, or they can be obtained from the Democratic Services Section (see 'Contact Details').

## AGENDA PAPERS

Agendas are usually published on the Council's website 5 clear days before the meeting. For example, a meeting on a Wednesday the agenda is published on the preceding Tuesday. Public copies of the agenda are available at the meeting. Please contact Democratic Services if you require information before the meeting or a copy of the agenda.

## BEFORE THE MEETING

Please inform the Democratic Services Section (see contact details) by no later than 12noon on the day of the Committee if you wish to speak on an application (one in favour and one against). It is recommended that you arrive about 10-15 minutes before the meeting. If several people are objecting to an application, we will ask them to agree amongst themselves who will speak upon their behalf. If no agreement can be reached then the first party to have 'registered' a wish to speak will be chosen.

## THE PROCEDURE FOR SPEAKING ON AN APPLICATION

The Team Manager Development Control or Senior Planning Officer will briefly identify, introduce and describe the application and refer to any new issues raised since the report was published.

The objector or a representative of all objectors will then address the Committee EITHER up to a maximum of three minutes OR a maximum of three minutes.

Members of the Committee may then, if necessary, through the Chair, question the objector to clarify any points, or issues already raised by the objector.

The applicants/supporters or their representative (if present) will then address the Committee EITHER up to a maximum of three minutes OR a maximum of three minutes.

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Members of the Committee may then, if necessary, through the Chair, question the applicant/supports to clarify any points, or issues already raised by the objector.

The Team Manager Development Control will then bring any necessary information, in addition to that contained in his report to the Committee's attention.

Any Elected Member who is not a member of the Committee may, by prior agreement with the Chair, be allowed to address the Committee once per application, for a maximum of 5 minutes in each case.

The members of the Committee only then debate and decide upon the application. The public cannot take part in this debate and decision making.

After hearing the Committee's decision you are welcome to stay and listen to the discussion about other applications but if you wish to leave please do so as discreetly as possible so as not to unduly disturb and delay the Committee and other parties who may well be attempting to consider later applications.

### **AFTER THE DECISION**

The Committee's decision is final. However, Applicants have the right of appeal to the First Secretary of State if their application is refused, or if conditions are attached which they do not like. In this event, anyone who has written about the original application will be informed.

Objectors have no right of appeal to the First Secretary of State against a decision to approve an application, but they can seek to have the decision quashed by application to the High Court by way of a Judicial Review.

### **PROCEDURE FOR SPEAKING ON OTHER ITEMS ON THE PUBLISHED AGENDA**

The Chair will call for a report to be made (a Council Officer will normally have submitted a written report with the agenda and he or she will be called upon to speak upon the report).

Second, the members of the public will be invited to speak. A time limit of 3 minutes applies to each speaker, though this may be extended if the meeting agrees. Please note that a speaker can only usually only address Members once, unless it is in response to a question from a member, or the Chair allows you to address members again.

Next, members will debate the item.

Following the debate, a decision will be made.

### **HOW SHOULD I ASK A QUESTION OR GIVE A STATEMENT?**

Begin by giving your name and address and whether you are speaking as an individual member of the public or as a representative of a group.

It is useful to prepare notes in advance to ensure that all the important points are covered. Try and be brief and to the point.

Do not make derogatory or defamatory statements.

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Bring an extra copy of any prepared statement for the Chair's information.

**QUESTIONS THAT ARE NOT ALLOWED**

You may not ask a question in furtherance of your own particular circumstances. These should be taken up with officers or Councillors outside of the meeting. Nor may people ask about a matter where there is a right of appeal to the courts, tribunal or to a Government minister. You may not ask a question about the service of any person employed by the Council.

The Chair may disallow any question that, in his or her opinion, is improper, vexatious irrelevant or otherwise objectionable. The Chair can also limit the number of questions that a person may ask. The answer may be given verbally or in writing.

Any question not dealt with at the meeting will normally be answered within 10 working days.

**CONTACT DETAILS**

Democratic Services, [democraticservices@rossendalebc.gov.uk](mailto:democraticservices@rossendalebc.gov.uk), 01706 252423.

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## ARTICLE 4 – THE FULL COUNCIL

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### 4.01 Functions / Terms of References of the Full Council

The Council will exercise the following functions which cannot be delegated, save by specific resolution of Council where these are not reserved to Council by law.

#### i) Constitutional

- a) To adopt and amend the Council Constitution (unless consequential amendments are required due to organisational changes and/or job roles);
- b) To adopt or amend the terms of reference and delegations of the Cabinet and Committees, and the Officer Delegation Scheme;
- c) To elect the Chair of the Council (the Mayor) and Vice Chair of the Council (Deputy Mayor);
- d) To appoint the Leader of the Council and Deputy Leader of the Council and the members of the Cabinet;
- e) To determine which Council Committees the Council will have for the next Municipal year and the number of seats on them save for co-optees in relation to the Overview and Scrutiny Committees;
- f) Make decisions about any matter which is the responsibility of the Cabinet or other Committee which is not in accordance, or not wholly in accordance with, the policy framework or budget;
- g) To appoint Chairs and Vice Chairs of the Cabinet and certain Committees, Sub-committees and to make appointments to other internal bodies not affected by the political balance rules;
- h) To receive notification of the appointment by the minority Political Group(s) on the Council of the Leaders and Deputy Leaders of these Groups;
- l) To appoint representatives of the Council on the Joint Authorities and the spokespersons to answer any questions at Council on the functions of Joint Authorities;
- j) To make arrangements for the discharge of the Council's functions by another local authority;
- k) To change the name of the area, to confer the title of Honorary Alderman or to grant the Freedom of the Borough;
- l) Where it relates to a Council function, any function under a Local Act;

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(a) . **Policy Framework.** The policy framework means the following plans and strategies:-  
¶  
<#>Best Value Performance Plan ¶  
<#>Corporate Plan¶  
<#>Community Involvement and Engagement Strategy¶  
<#>Crime and Disorder Reduction Strategy¶  
<#>Plans and Strategies which together comprise the Local Development Framework ¶  
<#>Housing Strategy ¶  
<#>Food Law Enforcement Service Plan¶  
<#>Local Agenda 21 Strategy¶  
<#>Licensing Policy¶  
<#>Gambling Policy¶  
<#>Financial Strategy, including the Treasury Management¶  
Strategy and Annual Investment Strategy¶  
¶  
(b) . **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax Base, setting the Council Tax and decisions relating to the control of the Councils borrowing requirements, the control of its capital expenditure and the setting of virement limits.¶  
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- m) The determination of an appeal against any decision made by or on behalf of the authority;
- n) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
- o) The appointment of any individual:
  - (a) to any office other than an office in which he or she is employed by the authority;
  - (b) to any body other than -
    - (i) the authority;
    - (ii) a joint committee of two or more authorities; or
  - (c) to any committee or sub-committee of such a body and the revocation of any such appointment;
- p) Where it relates to a Council function, the making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.
- q) To agree a programme of and format for debates on matters of significance.

ii) **Probity**

- a) To adopt the Council's Codes of Conduct for Members and Officers,

b) To adopt or amend the Members Allowances Scheme based on the recommendations of the Management Review Panel.

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iii) **Policy**

- a) To approve or amend the Council's Policy Framework,

The policy framework means the following plans and strategies:-

- Best Value Performance Plan
- Corporate Plan
- Community Involvement and Engagement Strategy
- Crime and Disorder Reduction Strategy
- Plans and Strategies which together comprise the Local Development Framework
- Housing Strategy
- Food Law Enforcement Service Plan
- Local Agenda 21 Strategy
- Licensing Policy
- Gambling Policy
- Financial Strategy, including the Treasury Management

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Strategy and Annual Investment Strategy

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b) To approve Development Plan Documents under Section 20 of The Planning and Compulsory Purchase Act 2004.

c) To approve any application to the Secretary of State for the transfer of housing land;

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d) To promote or oppose any legislation or to make or amend byelaws;

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e) To approve any plans or strategies which require approval by a Secretary of State;

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f) The duty to approve and publish a statement of principles under Section 349 of the Gambling Act 2005;

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g) To consider whether to issue casino premises licences under Section 166 of the Gambling Act 2005.

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iv) **Financial**

a) To oversee the Council's budget including the allocation of resources to different services and projects;

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b) To approve the Council's Revenue Budget and Capital Expenditure Programme;

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c) To set a Council Tax and calculate the Council Tax Base;

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d) To make decisions regarding the council's borrowing requirements;

e) To determine any matter involving expenditure not provided for in the Council's approved budget subject to any agreed virement arrangements;

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f) To approve any plan or strategy for the control of the authority's borrowing or capital expenditure, including the adoption of a Treasury Management Policy Statement;

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g) To approve policies and practices regarding the granting of discretionary rate relief or remission of rates in accordance with section 47 of the Local Government Finance Act 1988;

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h) To deal with matters relating to Local Government Pensions referred to in the Local Authorities (Functions and Responsibility Regulations) 2000 (as amended) with the appropriate Officer who does not wish to exercise his or her delegated powers;

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j) To determine the level of fees for licences under Section 212 of the Gambling Act 2005.

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v) **Electoral**

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- a) To appoint a Returning Officer for Borough and Town Council elections;
- b) To appoint an Electoral Registration Officer;
- c) To make recommendations concerning district boundaries, electoral divisions, ward or Polling Districts, or other electoral arrangements,

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vi) **Staffing**

- a) To confirm the appointment of the Head of Paid Service;
- b) To deal with all aspects of discipline and dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer in accordance with statutory provisions;
- c) To designate the posts of Head of Paid Service, Chief Finance Officer and Monitoring Officer;
- d) To determine the terms and conditions on which staff hold the offices in c) above (including procedures for their dismissal as set out in the appropriate regulations).

vii) **Reports in relation to Council functions**

- a) To consider a report of the Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989;
- b) To consider a report by the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989;
- c) To consider a report by the Chief Finance Officer in accordance with Section 115 of the Local Government and Finance Act 1988;
- d) To consider any report put to Council.

viii) **General**

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- a) To take decisions on all matters which by law must be reserved for Council, but may not be delegated to a Committee or Officers.

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**4.02 Council Meetings**

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There are three types of Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings;
- (c) Extraordinary Meetings.

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and they will be conducted in accordance with the Council Procedure Rules as contained in Part 4 of the Constitution.

## ARTICLE 5 - CHAIRING THE COUNCIL

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### 5.01 Role and function of the Mayor and Deputy Mayor

The Mayor and, Deputy Mayor of the Council will be elected by the Council annually.

The Mayor and, in his or her absence, the Deputy Mayor, will have the following roles and functions:

1. uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. preside over meetings of the Council in accordance with the Constitution;
3. act as community leaders;
4. promote public involvement in the Council's activities;
5. attend such civic and ceremonial functions as the Council and/or he or she considers appropriate;
6. promote and represent the Borough.

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## ARTICLE 6 - THE CABINET

6.01

### Cabinet

The Council will appoint a Cabinet consisting of the Leader together with up to seven other Councillors. The functions of the Cabinet are set out in Part 3 of the Constitution. Each of the Cabinet Members shall have responsibility for a specific portfolio, as set out below.

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#### LEADER OF THE COUNCIL

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The Leader will be a Councillor elected to the position of Leader by the Council.  
The Leader will hold office until:

- a) He or she resigns from the office;
- b) He or she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension);
- c) He or she is no longer a Councillor;
- d) The date of the next Annual Council Meeting at the end of the Municipal Year save that the Council may by resolution remove the Leader from office at an earlier date.

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Other Cabinet Members shall hold office until:

- a) They resign from office;
- b) They are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
- c) They are removed from office either individually or collectively by resolution of the Council;
- d) They are no longer Councillors;
- e) The date of the next Annual Council Meeting at the end of the Municipal Year.

#### Proceedings of the Cabinet

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Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

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#### 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.

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## **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.

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- 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.

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### **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;

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- 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.

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### **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

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- 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.

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• 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.

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• 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.

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• 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.

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• To agree urgent consultation responses to documents circulated by other bodies.

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## **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.

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### **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;

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- 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.

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## 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.

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## 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

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

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- participation in the formulation and application of policies and in decision making on cross cutting issues, concentrating on the following policy and service areas:-

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- 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

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- 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.

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## **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;

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- 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

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- 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

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• 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.

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• To be the member lead in respect of the development of the Borough's Sustainable Community Strategy.

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• To promote the cultural diversity of the Borough.

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• To promote the work of the Local Strategic Partnership within and outside the Council.

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• 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.

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• To agree urgent consultation responses to documents circulated by other bodies.

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## 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.

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### 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;

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- 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.

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### **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).

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- 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.

## **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;

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- 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.

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## **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.

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- 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.

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## ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEES

### 7.01 Appointment, Membership and Terms of Reference

The Council will appoint:

One Overview and Scrutiny Management Committee (14 Members) plus the co-opted Members of the Policy Overview and Scrutiny Committee and the Performance Overview and Scrutiny Committee

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

One Performance Overview and Scrutiny Committee (7 Members) plus one co-opted Member

One Audit and Accounts Committee (7 Members) plus one co-opted Member

The Overview and Scrutiny Committees and the Audit and Accounts Committee will be politically balanced. Members of the Cabinet are excluded from membership of the Overview and Scrutiny Committees and Audit and Accounts Committee. The Overview and Scrutiny Committees and Audit and accounts Committee may also appoint people who are not Members of the Authority in a non voting capacity.

The Chairs of Performance and Policy Overview and Scrutiny Committee shall act as Chair and Vice-Chair of the Overview and Scrutiny Management Committee.

The Overview and Scrutiny Committees will be responsible for discharging functions conferred by Section 21 of the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 and Regulations under Section 32 of the Local Government Act 2000.

Members of the 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.

### 7.02 General Role

Within their terms of reference the Overview and Scrutiny Committees will:

- i) Review and or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

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- ii) Make reports and/or recommendations to the Council and/or its Cabinet and other Committees and/or any Joint Committee in connection with the discharge of any functions and/or any other partner organisation;
- iii) Consider any matter affecting the area;
- iv) Consider/determine called in decisions of the Cabinet in accordance with the "Call-in" Procedure set out in the Procedure Rules within this Constitution: (with Members of the Overview and Scrutiny Management Committee being treated as a pool, with a politically balanced panel of 5 Members, to consider each Call-in, usually chaired by the Chair of the Overview and Scrutiny Management Committee (Members requesting the Call-in would be unable to sit on the particular Panel)).

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**Deleted:** Exercise the right to Call-in decisions made by the Cabinet and the Council's non regulatory committees in accordance with the "Call-in" Procedure set out in the Procedure Rules within this Constitution; (with fourteen Members of the two Committees being treated as a pool, with a politically balanced panel of 5 Members, to consider each Call-in, usually chaired by the Chair of the Policy Overview and Scrutiny Committee (Members requesting the Call-in would be unable to sit on the particular Panel)).

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**Deleted:** v) Set up Task and Finish Groups; each Committee to have a maximum of two such Groups operating at any one time; and to agree terms of reference and project plans before work starts.¶¶

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7.03 **Finance**

The Budget for these Committees will be held by the Director of Business.

7.04 **Annual Report**

The Overview and Scrutiny Committees will report annually to the Council on their workings.

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**ARTICLE 8 – REGULATORY COMMITTEES**

8.01 **Regulatory Committees**

The Council will appoint:

- 1. A Development Control Committee of seven Members.

No Member may serve on the Development Control Committee who has not been agreed by the Chief Executive to be competent by training or qualification to take part in the Committee's work.

- 2. A Licensing Committee of [11] Members, each Member representing a different ward.

No Member may serve on the Licensing Committee who has not been agreed by the Chief Executive to be competent by training or qualification to take part in the Committee's work.

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- Deleted: s a Member or Substitute Member who has not been agreed by the Chief Executive to be competent by training or qualification to take part in the Committee's work. ¶
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- Deleted: 8.02 Neighbourhood Forums¶  
¶ The Council will appoint four Neighbourhood Forums to enable local people to influence decisions about local services.¶
- Membership: all elected Members for the Wards covered by the Neighbourhood Forum, a County Councillor, and a Whitworth Town Councillor (in the area of the Whitworth Neighbourhood Forum). ¶
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**ARTICLE 9 – THE STANDARDS COMMITTEE,  
APPOINTMENT AND APPEALS COMMITTEE AND  
AUDIT AND ACCOUNTS COMMITTEE**

9.01 **Standards Committee**

The Council will have a Standards Committee of twelve Members, comprising seven Elected Members, three Co-opted Members (appointed by the Committee) and two Whitworth Town Council Members (appointed by Whitworth Town Council).

The Council will set up Standards Sub-Committees for dealing with the following stages of the local assessment of complaints against Members:

Stage 1 Assessment Sub-Committee – To consider whether there appears to be a case to answer and an investigation undertaken.

Stage 2 Consideration Sub Committee – To receive the report of the Investigating Officer.

Stage 3 Pre hearing and hearing sub committee – To consider the matter before the hearing and conduct a hearing and determine if sanctions are required

Stage 4 Review Sub Committee – Review the results of an investigation to determine whether it should proceed to hearing.

No person may serve on the Standards Committee or its Sub-Committees or Standards Panels as a Member or Substitute Member who has not been agreed by the Chief Executive to be competent by training or qualification to take part in the Committee's, Sub-Committees' or Standards Panel's work.

**Appointment and Appeals Committee**

The Council will have an Appointment and Appeals Committee to deal with staffing issues relating to Chief Officers and any statutory right of appeal or any other formal appeal matter which may be referred to Elected Members for their determination.

9.02 **The Composition**

The Committee shall be a politically balanced pool of nine Members, with a politically balanced membership of three Members for Appeals, and five Members for Appointments.

No Member may serve on the Appointment and Appeals Committee as a Member or Substitute Member who has not been agreed by the Chief Executive to be competent by training or qualification to take part in the Committee's work.

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- Deleted: **ROSSENDALE BOROUGH COUNCIL** ¶ **ASSESSMENT CONSIDERATION /PRE-HEARING AND HEARING PROCEDURE** ¶
- ¶ **INTERPRETATION** ¶
- ¶ 1) 'Subject Member' means the Member of the Authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the member's nominated representative. ¶
- ¶ 2) 'Investigating Officer' means the Monitoring Officer or Ethical Standards Officer and includes their nominated representative. ¶
- ¶ 3) 'The Matter' is the subject matter of the investigator's report. ¶
- ¶ 4) 'Committee' also refers to a Sub-Committee. ¶
- ¶ 5) 'Legal Adviser' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the Authority, or someone delegated by the Monitoring Officer to so advise ¶
- ¶ 6) 'The Committee Support Officer' means an officer of the authority responsible for...
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9.03 **Audit and Accounts Committee**

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The Council will have an Audit and Accounts Committee comprising seven Members appointed on a politically balanced basis.

The Committee's role will be to approve the Council's Statement of accounts and to oversee the internal and external audit of the Council's finances and performance.

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## **ARTICLE 10 – JOINT ARRANGEMENTS AND NEIGHBOURHOOD FORUMS**

### 10.01 Arrangements to Promote Well Being

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The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### 10.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) The Council may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a Joint Committee established under Articles 10.0.2(b) and those Committees need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a Joint Committee established under Paragraphs 10.02 (a) and (b) from outside the Cabinet where the Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is a member for a ward which is wholly or partly contained within the area. In this case, the political balance requirements do not apply to such appointments.
- (e) The Council is a member of the following Joint Committees:
  - 1) Lancashire Contact Centre, Joint Management Committee
  - 2) East Lancashire Procurement and Consultation Joint Collaboration
  - 3) The Parking and Traffic Regulations outside London Adjudication Joint Committee (PATROLAJC)
  - 4) Lancashire Local – Rossendale
  - 5) Pennine Lancashire Local Authorities Leaders.

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## Lancashire Local – Rossendale

### Constitution

#### JOINT COMMITTEE

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Section 2 Functions	
(A) General Remit	3
<u>(B)</u> Delegated Powers	4
Section 3 Standing Orders	9
Appendix Examples of use of the General Remit	17

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## Section 1 – Context and Purpose

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Lancashire Local - Rossendale is a Joint Committee of the County Council and Rossendale Borough Council. The impact of Lancashire Local - Rossendale needs to be focused, visible and transparent.

As Lancashire Locals bed down across Lancashire, their purpose has crystallised.

Lancashire Locals are the County Council's key vehicle for empowering local County Councillors to:-

1. Determine the design and delivery of local government services through its delegated powers.
2. Influence the shape of our services at a local level by working jointly with District Councillors drawing on the knowledge and expertise of Cabinet / Executive Members and Officers in their respective councils and councillors from relevant Parish and Town Councils.

The Local provides a forum through which the County Council can prioritise its resources to best meet local needs and aspirations. Meetings of the Lancashire Local are generally open to the press and public. Parish and Town Councillors, together with local people interested in specific agenda items, are able to have their say before decisions are taken.

The Lancashire Local has a strong role to play as a County Council problem solving body for Rossendale. Local problem solving is a key role for councillors as community advocates, and Lancashire Local - Rossendale can significantly enhance this role. The County and Borough Councillors on the Lancashire Local have the detailed local knowledge, along with Parish and Town Councillors, that is needed to find realistic solutions to neighbourhood and district community concerns relating to County Council services in Rossendale.

The involvement of Borough Council representatives on the Lancashire Local provides the opportunity to identify local solutions and service improvements for Borough Council services also, working alongside County Council services. The Local can thus seek to jointly deliver local government service improvements for the residents, businesses and visitors to Rossendale. This means both Councils being proactive in bringing service issues to the Local and seeking to deliver local priorities together.

The Lancashire Local will concentrate on the agreed local priorities and targets in the Rossendale Local Strategic Partnership's Sustainable Community Strategy and the Joint County / Borough Locality Plan – as far as they involve Lancashire County Council services or closer working between the County and the Borough.

Lancashire Local - Rossendale will formalise its own specific working arrangements alongside the Rossendale Local Strategic Partnership to agree how best it can support the Partnership and establish a regular dialogue strengthening that relationship. The role and responsibilities of the Lancashire Local sits at arms length

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from the Local Strategic Partnership, but supports the Sustainable Community Strategy for Rossendale.

Lancashire Local - Rossendale will deliver focused, visible, and transparent outcomes for the residents, businesses, and visitors to Rossendale, in accordance with local priorities and targets relating to local government services.

## Section 2 - Functions

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The scope and overall purpose of the Lancashire Local is as set out in Section 1. The general remit of the Lancashire Locals is set out below and the more specific delegated functions are outlined in later sections.

### (A) General Remit

The general remit of the Lancashire Local is:-

1. To exercise those functions delegated to it by the County Council and Borough Council.
2. To seek solutions to local concerns relating to County Council services.
3. To express views on policy, strategy or other matters specifically referred to it by the County Council or the Borough Council including where appropriate the co-ordination of consultation with local stakeholders and communities.
4. To monitor the delivery of the Locality Plan where one exists, and explore opportunities for joint working between the County Council and the Borough Council on complementary service delivery where this would bring benefits to local people.
5. To advise the County Council, the Borough Council and other public bodies as appropriate on issues of local interest or concern which are brought to its attention by members, Rossendale Councils' Area Committees, Parish and Town Councils other bodies and members of the public.
6. To assist the County Council in its response to Government policy in relation to neighbourhoods.
7. Lancashire Local - Rossendale has the remit to shape and influence any matter relating to any local County Council service in the district of Rossendale, and to discuss any opportunities for a closer alignment of County and Borough services in the district, for example joint working around regeneration and economic development.

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When exercising this function, Lancashire Locals are encouraged to select those services for shaping/influencing that are relevant for addressing local issues/priorities specific to the district, as outlined in the Sustainable Community Strategy, and other evidence based data/plans such as Parish Plans. These local government priorities will be incorporated into the annual

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joint locality plan (where one is to be produced) where it is considered to be a priority for the district in that year. The Appendix attached suggests *some* of the services that Lancashire Local - Rossendale may want to consider where their Local Strategic Partnership priorities identify council services as a local priority. This list is not comprehensive and is intended only as a guide.

## (B) Delegated Powers

The services identified below are delegated by the County Council or Rossendale Borough Council as indicated, for decision making by the Lancashire Local, in accordance with the relevant legislation.

In discharging the delegated powers, the Lancashire Local must act at all times within the approved policies, budgets and financial regulations of the Council delegating the functions, and in accordance with Standing Orders at Section 3 of this Constitution.

There is set out below a list of the functions that are currently delegated to Lancashire Local - Rossendale. Additional functions and matters for determination may be delegated to the Local in the future by Lancashire County Council and Borough Council, which will form part of this Constitution. The Secretary to the Local will maintain a record of all additional delegated functions and will ensure that any such additions are reported to the Local at the next meeting after the delegation takes place.

### Highways (delegated by Lancashire County Council)

#### 1. Budget Allocation

To exercise discretion for the provision of highway authority functions (except winter maintenance) within an annual countywide allocation to be apportioned to each Lancashire Local in accordance with road lengths in their area.

#### 2. Street lighting special maintenance schemes.

To determine the priority of street lighting special maintenance schemes within the County Council's allocated budget.

#### 3. Local Safety Schemes

a) To determine the priority of local safety schemes including walking and cycling proposals where there is more than one such scheme for the District in an approved programme

b) To determine specific schemes where objections or representations have been received.

#### 4. Crime reduction street lighting schemes

To determine the priority of crime reduction street lighting schemes where there is more than one such scheme in the District in the approved programme.

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5. Retaining Walls Strengthening Programmes

To determine the priority of retaining wall strengthening schemes where there is more than one such scheme in the District, in the approved Strengthening Programme.

6. Gating Orders

To approve the making of Gating Orders under Section 129A of the Highways Act, 1980 pursuant to the Highways Act 1980 (Gating Orders) (England) Regulations, 2006, where objections or adverse comments have been received and after a public inquiry (if any) has been held.

7. Removal of Footways and construction of Cycle Tracks

To decide not to provide a footway under Section 66 of the Highways Act, 1980 but instead to approve the construction of a cycle track with a right of way on foot under Section 65 of the Highways Act, 1980.

8. Pavement Cafes

To approve applications for licences for pavement cafes.

9. Residents parking schemes

To determine specific schemes where objections or representations have been received.

10. Traffic Regulation Orders/Speed Limit Orders

To approve the making of Traffic Regulation Orders and Speed Limit Orders where objections or representations have been received.

11. 20mph Speed Limit Zones

- a) To determine the priority of 20mph zones where there is more than one scheme in the approved programme for the district.
- b) To approve the making of schemes for such zones where objections or representations have been received

12. Road Humps

To determine the establishment of road humps under Section 90A of the Highways Act, 1980 where objections or representations have been received.

13. School Crossing Patrols

To review and determine the continuation of a School Crossing Patrol when the current Patrol Officer leaves the service.

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14. Car parking

Out of any monies which are declared by the County Council both to be surplus in the on street parking account and also available generally to the Lancashire Locals for the purpose of highway improvement projects under s.55(4)(ii) of the Road Traffic Regulation Act, 1984 as amended, to determine the priority of such measures within that purpose.

15. Pedestrian Crossings

- a) To determine the priority for pedestrian crossings where there is more than one in an approved programme for the district.
- b) To approve specific proposals where objections or representations have been received.

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16. Bus Shelters

To determine the locations of bus shelters within the County Council's responsibility (e.g. on Quality Bus Routes).

**Waste Management** (delegated by Lancashire County Council)

To determine the location of household waste recycling centres where there are viable alternative site options.

**Lancashire Locals Climate Change Fund** (delegated by Lancashire County Council)

From funds made available by the County Council to consider for approval projects submitted by community and voluntary groups, or Parish Councils, to support local climate change in accordance with the criteria laid down by the County Council.

**Libraries** (delegated by Lancashire County Council)

To determine, taking into account the results of consultation undertaken by the County Library Service the pattern of library opening hours together with other appropriate local developments within existing resources.

**Museums and Heritage** (delegated by Lancashire County Council)

To determine, taking into account the results of consultation undertaken by the County Museums Service, the pattern of opening hours for the County Museums Service within existing resources.

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1. Within the national framework and corporate policies, to determine and approve, in consultation with young people, the priorities and deployment of youth resources (except staffing) within available budgets and oversee a District Strategic Plan and annual Delivery Plan for the Lancashire Young People's Service, encompassing :-
  - a) Determination of the annual outcomes expected by the Rossendale District Delivery Plan.
  - b) Determination of the resource allocation to each element of the service in Rossendale, and the availability of young people's provision within the existing service budget and statutory requirements, to best meet the needs of the neighbourhoods, the needs of minority groups and those of vulnerable young people across Rossendale.
2. To recommend proposals for the deployment of Playbuilders' Funding for Rossendale district, with particular emphasis on the effectiveness of the partnership arrangements by taking into account the priorities of the local Children's Trust Partnership for Rossendale.
- 3 To monitor the delivery of the Annual Rossendale District Delivery Plan through:-
  - a) A six month review of delivery of the Plan.
  - b) Ongoing local problem-solving with the service.
  - c) Ongoing identification of opportunities for closer working between the Lancashire Young People's Service and complementary Borough Council service activities eg – Leisure, Cultural and Arts Services.
4. To work closely with the Lancashire Young People's Service in order to make effective the committee's problem-solving / opportunity seeking remit.
5. To work with young people in Rossendale to establish and monitor a Rossendale Protocol on engagement with young people, encompassing the allocation of Small/Project Grants and local youth issues generally.

**A copy of the Protocol regarding engagement with young people, as agreed by the Lancashire Local - Rossendale, is attached as Annex A to this Constitution.**

6. To approve Small/Project Grants to youth organisations in accordance with guidelines issued by the County Council, following consultation with young people. Where the criteria for funding give priority to decisions by young people the outcomes must reflect their conclusions.

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**Links with Local Children's Trust Partnership** (delegated by Lancashire County Council)

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To formalise its own working arrangements with the Local Children's Trust Partnership, as outlined in Section 1, in order to ensure that the Local Trust Partnership and the Lancashire Local play a clear and complementary role in delivering quality local services across all functions delivered by the Children & Young People's Directorate.

**Customer Access** (delegated by Lancashire County Council)

To approve and monitor the proposals and priorities of the County's Corporate Face to Face Access strategy, in relation to it's work in the Rossendale District.

**Local Grants Scheme** (delegated by Lancashire County Council)

To consider for approval recommendations from County Councillors for grants to support local groups in accordance with criteria laid down by the County Council.

**Local Gateway Grants** (delegated by Lancashire County Council)

To consider for approval applications for Local Gateway funding in accordance with the criteria laid down by the County Council.

**Section 3 - Standing Orders**

**Membership**

1. (i) Membership of Lancashire Local - Rossendale shall be all local County Councillors with electoral divisions in Rossendale, and an equivalent number of Councillors appointed by Rossendale Borough Council. At least one Borough Council member shall be a member of that Council's Executive. All Borough Council representatives shall be appointed in accordance with the political balance rules as they are applied to their authority by the Local Government and Housing Act, 1989.
- (ii) A person shall cease to be a member if he/she ceases to be a member of the County Council or a member representing an electoral division in Rossendale, or in the case of a member of the Borough Council ceases to be a member of that Council or resigns from the Lancashire Local.
- (iii) Prior to the meeting, the Secretary must be notified of substitutions for Borough Council Members made in accordance with that Council's normal procedures.

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## Parish and Town Councils

2. (i) Lancashire Local - Rossendale shall, in consultation with Parish and Town Councils in its area, draw up a Protocol to ensure that Parish and Town Councils can engage effectively with the Lancashire Local.

**A copy of the Parish and Town Council Protocol, as agreed by the Lancashire Local - Rossendale is attached as Annex B to this Constitution.**

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- (ii) A representative of a Parish or Town Council may participate at Lancashire Locals when items are discussed which are specifically concerned with their area.

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## Appointment of Chair and Deputy Chair

3. (i) The Chair, who shall be a County Councillor, shall be elected at the annual meeting of the Lancashire Local.
- (ii) The Deputy Chair, who shall be of a different political group to the Chair, shall be elected at the annual meeting of the Lancashire Local and, wherever possible, shall be a member of the Borough Council.
- (iii) Existing office holders are eligible for re-election.
- (iv) The Chair and Deputy Chair shall, unless he or she resigns the office or ceases to be a member of the Lancashire Local, continue in office until a successor is appointed.
- (v) The Chair shall not preside at the election of his or her successor if he or she is a candidate at that election. In those circumstances, the Deputy Chair continuing in office under (iv) above shall preside or if there is no such Deputy, a Chair shall be appointed by the Local for the purposes of conducting the election.

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## Secretary

4. A nominated representative of the Chief Executive of the County Council shall act as Secretary to Lancashire Local - Rossendale and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the minutes.

## Meetings

5. (i) Meetings shall be held in public other than in the circumstances set out in Standing Order 27.
- (ii) Meetings shall be held on a six or eight weekly cycle to be determined along with venues, by the Lancashire Local.

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- (iii) The meeting held in June each year, or if there is no scheduled meeting that month the first meeting after June, shall be the Annual Meeting of the Lancashire Local – Rossendale.
- (iv) The Chair or in his/her absence the Deputy Chair may call a special meeting of the Lancashire Local - Rossendale to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least 10 clear working days notice in writing is given to the Secretary.
- (v) The Lancashire Local may prepare a Protocol to facilitate the opportunity for other members of the Borough Council to participate at Lancashire Locals, but not vote, when items are discussed which are specifically concerned with their ward.

**The following Protocol regarding engagement with Borough Councillors who are not members of the Local was agreed by the Lancashire Local.**

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**Lancashire Local – Rossendale has agreed that any Member of the Borough Council who is not a member of the Lancashire Local should be allowed to speak on any item at the point where the item is reached and prior to discussion by the Lancashire Local, the Chair exercising discretion as to the time allowed for the Member to speak.**

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## Delegated Powers

- 6. The delegated powers mean those powers to be discharged by the Lancashire Local as set out in Section 2(B) of this Constitution.
- 7. The Lancashire Local - Rossendale shall discharge the delegated powers, within the budgetary and policy framework set by the County Council in the case of County functions or by the Borough Council in the case of its functions.
- 8. When discharging the delegated powers the Lancashire Local shall take decisions only after taking into account advice given in writing or orally from relevant Officers of the County Council or of the Borough Council as appropriate, including legal, financial and policy advice.

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## Executive and Key Executive Decisions

There are particular requirements to be met when the Lancashire Local is exercising delegated powers in respect of executive and key executive decisions, and these are set out below:

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9. An executive decision means a decision by the Lancashire Local that has been delegated to it by the Executive (or Cabinet) of the County Council or of the Borough Council.

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10. Consideration of Key Executive Decisions

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- (i) A meeting of the Lancashire Local shall be held in public if a decision to be made at that meeting will be a Key Executive Decision.
- (ii) A Key Executive Decision shall not be taken by the Lancashire Local unless the report which it intends to take into consideration has been made available for inspection by the public for five clear working days prior to the meeting.
- (iii) Any Key Executive Decision to be taken by the Lancashire Local shall be included in the monthly Forward Plan of the County Council or of the Borough Council as appropriate.
- (iv) Where the inclusion of a matter in the Forward Plan is impracticable and the matter would be a Key Executive Decision, that decision shall only be made where:
  - (a) the Chair of the relevant Overview and Scrutiny Committee of the County Council or Borough Council as appropriate, has been informed in writing of the matter about which the decision is to be made;
  - (b) the provisions of paragraph (ii) above are complied with
- (v) Where the date by which an urgent Key Executive Decision must be made makes compliance with paragraph (ii) above impracticable, the decision shall only be made where the Chair of the relevant Overview and Scrutiny Committee of the County Council or the Borough Council as appropriate, agrees that the making of the decision is urgent and cannot reasonably be deferred.
- (vi) The Secretary shall ensure that a copy of a report referred to at paragraph (ii) above shall, as soon as is reasonably practicable, be sent to the Chair of the relevant Overview and Scrutiny Committee of the County Council or of the Borough Council as appropriate.
- (vii) A report referred to in paragraph (ii) above shall include a list of background papers, and the Secretary shall make available for public inspection a copy of each of the documents on the list of background papers.
- (viii) Where an Executive Decision by the Lancashire Local was not treated as being a Key Executive Decision and the relevant Overview and Scrutiny Committee of the County Council or the Borough Council as appropriate, is of the opinion that the decision should have been so treated the relevant Committee may require the Lancashire Local to submit a report to the County Council's or the Borough Council's Full

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Council setting out the reasons why the Lancashire Local was of the opinion that the decision was not a Key Executive Decision.

## Overview and Scrutiny

11. Executive decisions made by the Lancashire Local are subject to scrutiny by the County Council's or the Borough Council's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').
12. The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of the County Council or the Borough Council depending on which Authority delegated the executive decision in question.
13. An Overview and Scrutiny Committee shall not exercise the 'call-in' function in respect of an executive decision by the Lancashire Local where that decision has been designated by the Lancashire Local as being urgent in that any delay in its implementation could adversely affect the efficient execution of their responsibilities on behalf of the County Council or the Borough Council, and provided that the designation and the reasons for it are recorded in the Minutes.
14. Executive decisions made by the Lancashire Local shall be implemented by the County Council or the Borough Council as appropriate, in accordance with their respective Constitutions.

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The following general provisions apply to the consideration of all matters within the Lancashire Local's remit.

## Chairing of Meetings

15. In the absence of the Chair, the Deputy Chair shall preside at the meeting. In the absence of both, the members present shall, as the first item of business, appoint one of their number who is a member of the County Council to be Chair of the meeting.

## Access to Information

16. Items of business may not be considered at a meeting of the Lancashire Local unless a copy of the item has been open to inspection by members of the public for at least five working days before the meeting (or where the meeting is convened at shorter notice, from the time the meeting is convened). However an item that has not been open to inspection may be considered where, by reason of special circumstances which shall be specified in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

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## Agendas and Minutes

17. Agendas for meetings of the Lancashire Local shall be dispatched by the Secretary five clear working days in advance of a meeting, and copies will be made available for public inspection at the designated County and Borough Council offices, libraries, other local public information points and on the Democratic Information System on the County Council's Website.

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18. Agendas will identify separately matters which are for decision by the Lancashire Local under delegated powers, and which of those are executive or non-executive decisions.

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19. The Rossendale Borough Council and any Member of the Lancashire Local may suggest items for inclusion in the Agenda within its remit provided such requests are received by the Secretary at least 10 clear working days in advance of the meeting. It shall then be for the Lancashire Local to determine whether it wishes to receive a report on the matter at a future meeting.

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Where, in the opinion of the Secretary, the matter requires a more immediate response, it shall be for the Chair and Deputy Chair to determine whether the Lancashire Local should receive a full report at its next meeting.

20. The minutes of a meeting shall be published on the Democratic Information System as soon as is reasonably practicable, and wherever possible within three clear working days after a meeting at which an executive decision has been made.

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## Quorum

21. The quorum for any meeting shall be a quarter of the membership (rounded up) but not less than 4 members with at least one Member from each authority. If there is not a quorum of Members, the meeting shall stand adjourned for 15 minutes. If after that time there is still no quorum the meeting shall stand adjourned until a date and time to be fixed by the Chair.

## Members Code of Conduct

22. Members are bound by the Code of Conduct of the authority which appointed them to the Lancashire Local and should particularly observe the provisions of their respective Codes concerning the declaration of personal and prejudicial interests when attending meetings of Lancashire Locals.

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## Declaration of Neutrality

23. A Member will be required to declare a position of neutrality when the Lancashire Local considers formulating a recommendation which will fall to



that Member to decide upon in their capacity as a Cabinet Member of the County Council or the Borough Council.

24. A declaration of neutrality will permit the Member to advise the meeting on any policy background or other general issues that might assist discussion but he/she shall refrain from indicating his or her intended position on the issue and shall abstain from voting.

## Voting

25. All members are entitled to vote and voting shall be by show of hands, and in the case of an equality of votes the Chair of the meeting shall have a second or casting vote.

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## Members of the public

26. The Lancashire Local will have the flexibility to determine what the mechanisms should be for the public to participate at meetings including the need to avoid undue influence by a vocal minority. Unless other mechanisms are adopted by the Lancashire Local the following process shall be applied:-

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Members of the public shall be allowed to speak at each meeting in relation to items on the agenda. Each Lancashire Local will agree how this is best conducted locally. The Lancashire Local will be requested to periodically review their arrangements for public participation, to ensure they remain effective.

The following Protocol regarding public participation was agreed by the Lancashire Local.

Lancashire Local – Rossendale has agreed that members of the public be invited to comment at the start of the discussion on each agenda item i.e. once the Officer has presented the report. The Chair would then manage the time permitted for public comments at his discretion after which members of the Local would consider the item and come to a conclusion.

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## Exclusion of the Press and Public

27. The Lancashire Local may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

## Urgent Business Procedure

28. The County Secretary and Solicitor may in consultation with the Rossendale Borough Council, and with the Chair and Deputy Chair of the Lancashire Local, deal with matters of urgency which cannot await the next meeting and which do not in the view of the Chair and Deputy Chair warrant a special meeting being convened.

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### Sub-Committees and Working Groups

29. The Lancashire Local may appoint

(i) Sub-Committees with power to act to discharge any of its functions, provided:

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- they comprise an equal number of Members of the County Council and of the Borough Council,
- at least one quarter of the Sub-Committee is present at the meeting.

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(ii) Working Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Lancashire Local.

### Conduct at Meetings

30. The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chair of the meeting whose ruling is final.

### ANNEX A

#### Protocol for engaging young people with the Lancashire Local

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### ANNEX B

#### Protocol for Parish and Town Council engagement with the Lancashire Local.

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## Examples of use of General Remit

The Lancashire Local's General Remit includes a responsibility to shape and influence any matter relating to any local County Council service in the district of Rossendale, and to discuss any opportunities for a closer alignment of local authority services in the district.

This will enable the Lancashire Local to help influence County Council activity generally in Rossendale.

The list below is not comprehensive, and offers examples only, which may serve to prompt Lancashire Local - Rossendale to explore the potential for local service improvement and closer alignment of local authority services in Rossendale district.

The local priorities in the District's Sustainable Community Strategy will be the key determinant of the focus of the Lancashire Local's attention and as such will form the basis of a joint locality plan where one is to be developed. In many cases this will involve shaping and influencing County Council services not included in the examples below.

Examples of the use of the General Remit

### Highways

#### 1. Highway Authority Functions

- a) Consider and express views on matters relating to the exercise of Highway Authority Functions within the Rossendale area, including performance monitoring, contributing to policy development and assisting in the development of Best Practice.
- b) Consider and express views for changes in highway policies and standards.

#### 2. Local Transport Plan

Consider and express views on all matters in relation to the Local Transport Plan, especially social inclusion matters.

#### 3. Highway Special Maintenance Schemes

Consider and express views on locations where it is considered that resurfacing or reconstruction of carriageways and/or footways should be included in future programmes of work.

#### 4. Safety Cameras

Comment on proposals for 'community concern' sites put forward by the local Community Safety Partnership and the locations for proposed fixed camera sites.

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## 5. Street Scene

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Consider and express views around rationalising the street scene, including road signs, road markings, street furniture, lighting, seats, bins, street cleaning, fly posting, graffiti etc, and in particular to influence proposals for traffic management/signing schemes.

### Traffic Regulation Orders and Speed Limit Orders

Make suggestions for future Traffic Regulation Orders and Speed Limit Orders.

### 20mph Speed Limit Zones

Make suggestions for future 20mph Speed Limit Zones

### IT Public Enquiry Manager (PEM) System

Consider reports on the IT Public Enquiry Manager system (e.g. highway defect faults) and express views on changes and/or improvements

### Public Transport

- a) Consider and express views on local bus networks and proposed changes in provision (subject to statutory timescales)
- b) Consider and express views on local priorities for public transport in terms of Quality Bus Routes and subsidised bus routes.
- c) Facilitate closer joint working between the County and the Borough Council on sharing information and marketing in respect of public transport.
- d) Facilitate effective joint liaison arrangements linking the Borough Council's regeneration initiatives to improving access to public transport.
- e) Consider and express views on local community transport needs.

### School Travel Plans

To review annual programmes of School Transport Plans, to monitor progress on their implementation and encourage local schools to pursue such plans.

### Environmental Projects

To consider and express views on the following:

- a) The promotion of initiatives to improve the environment of the District, under the Green Partnership Awards.
- b) Opportunities for removing derelict, underused and neglected land and to consider projects that might be supported under the Small Sites Reclamation Programme within Reclamation and Management of Derelict Land in Lancashire (REMADE).

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- c) Proposals for the after-use of major land reclamation schemes under the Reclamation and Management of Derelict Land initiative, managed by the North West Regional Development Agency.

### Waste Management

Consider and express views on proposed sites for future waste facilities, as part of the Lancashire Waste Management Strategy.

### Countryside Service

To consider and express views on the following

- a) Future Public Rights of Way Improvement Plan
- b) The Public Rights of Way Network
- c) The County Council's Countryside and Recreation Policy

### Adult Social Services

The Lancashire Local - Rossendale will have the opportunity to receive annual reports on the following service areas to keep local councillors informed and provide an opportunity to examine and influence services.

- 1. Partnership Boards

- Learning/Disability Partnership Board.
  - Physical Disability/Sensory Impairment Partnership Board
  - Older People Partnership Board

- 2. Locality Commissioning Plans

- The Commissioning Plans for each Adult Social Services client group, i.e. mental health, learning disabilities, physical disabilities and older people.

- The annual report will contain the plans for expanding existing services, developing new services and decommissioning services over a three year period. Commissioning plans will be reviewed and updated annually. The services typically commissioned are day care, respite care, home care, rehabilitation, residential and nursing home care, and home care support to very sheltered housing.

- 3. Supporting People

- The work of the Supporting People Team on activities in the District, including performance information and information on service development and delivery

### Adult Education

Consider and express views on the development of Community learning provision, especially in areas of deprivation

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## Children and Young People

To consider and express views on the following.

- a) the development of District based links for the Every Child Matters Agenda
- b) School Organisation Reviews/School Place Planning

## Museums Services

Consider and express views on local management arrangements.

## Asset Management

Consider and express views on the development of joint County and Borough Council asset management and shared facilities, particularly one-stop shops.

## Community Strategies

Monitor and express views on County Council actions identified in local community strategies.

## Lancashire Local Area Agreement

Monitor County Council performance at the District level towards relevant targets in the Lancashire Local Area Agreement.

### 10.04 The Constitution of PLACE is as follows:-

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## PLACE (Pennine Lancashire Leaders) Constitution - Introduction

On the 12<sup>th</sup> January 2009 Pennine Lancashire partner authorities and Government signed a Multi Area Agreement (MAA) which for ease of reference is annexed to this Constitution. This signalled a new commitment by all Pennine Lancashire councils to work together to transform the area. In signing to the agreement Government were also approving new governance structures to help us deliver our ambitious actions. This Constitution sets out a framework, which will allow us to drive home this opportunity and begin an exciting new era of cross boundary collaboration.

Our MAA identifies a number of key themes relating to the sustainable economic development of the area, and seeks to put in place the building blocks for a modern economy. Higher education, transport, housing, employment and skills all feature prominently, and through working together greater benefits can be felt across the area. To achieve this Government has committed to work with us to devolve more funding. A PLACE Joint Committee will be formed pursuant to sections 101 and 102 of the Local Government Act 1972 to fill the gap and provide the area with a conduit to receive greater levels of investment and a vehicle to deliver the MAA.

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Our vision for Pennine Lancashire is, "to provide a confident, dynamic and growing economy, characterised by a thriving higher value business base, supported by a responsive education and training system; an area with fast and reliable transport links to employment opportunities underpinned by a revitalised housing market and cohesive communities."

The MAA and Sub National Review of Regeneration and Economic Development has provided a policy context which requires us to look at how we work together, and in doing so to formalise years of effective partnership work. This Constitution sets out the role of PLACE and how it will turn our vision into reality in these challenging times.

#### Statement of Intent

In forming the Joint Committee (PLACE), it is the intention of the partner authorities to work together for the benefit of Pennine Lancashire. The primary role of PLACE will be to take forward the MAA and to take decisions on matters that are delegated to Pennine Lancashire from Government and Regional Agencies. PLACE will also oversee the development of strategies that operate on a Pennine Lancashire footprint, as opposed to strategies that each individual authority prepares and implements within its area.

It is the express intention of all the partner authorities, that PLACE should operate in accordance with clearly defined terms of reference. All partners are committed to ensuring that PLACE does not diminish the role of the constituent councils and that it does not seek to expand its remit into areas which are currently subject to the self-determination of the partner authorities.

### CONSTITUTION OF PLACE

1. The Pennine Lancashire authorities ("the authorities") are the following local authorities within the meaning of the Local Government Acts 1972 and 2000 for their respective administrative areas:

- a. Blackburn with Darwen Borough Council;
- b. Burnley Borough Council;
- c. Hyndburn Borough Council;
- d. Lancashire County Council;
- e. The Borough Council of Pendle;
- f. Ribble Valley Borough Council; and
- g. Rossendale Borough Council.

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2. The authorities are signatories to a Multi-Area Agreement (MAA) with the United Kingdom government to promote the economic prosperity of the area for which they are jointly responsible (this area being "Pennine Lancashire").
3. In order to further the purposes of the MAA the authorities have each determined to form a Joint Committee which is to be known as PLACE.

### **Membership of PLACE**

4. Each of the authorities will appoint for each municipal year one elected member to the joint committee who should normally be the Leader. Each of the authorities will inform the PLACE Strategy Unit in writing of these annual appointments.
5. Each of the authorities will also appoint for each municipal year one or more named substitutes, who may attend in place of the person appointed at paragraph four above and who will also be executive members where applicable. Each of the authorities will inform the PLACE Strategy Unit in writing of these annual appointments.
6. When a substitute proposes to attend a meeting of PLACE prior notification will be provided to the PLACE Strategy Unit.
7. Each authority will have one vote only on PLACE.

### **Functions of PLACE**

8. The authorities have each agreed that PLACE will fulfil the following functions:
  - a. monitoring the implementation of the MAA;
  - b. providing strategic oversight of the Pennine Lancashire Development Company and other MAA delivery partners;
  - c. determining the allocation of resources made available to the authorities jointly;
  - d. developing, agreeing and managing the following strategies for Pennine Lancashire:
    - i. Economic;
    - ii. Housing;
    - iii. Transport;
    - iv. Spatial;
    - v. Integrated delivery plans; and
    - vi. Investment frameworks;
  - e. Commissioning and publishing research to support its functions;

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- f. Responding to government consultations which affect the whole area of Pennine Lancashire;
9. PLACE may also exercise any other functions which the authorities unanimously determine it should assume responsibility for. e.g. addressing health inequalities; and
10. PLACE may discuss and make recommendations to the authorities in relation to any other matter which concerns the economic prosperity of Pennine Lancashire.

### **Meetings**

11. PLACE will hold at least four meetings each year.
12. Meetings will be held in public other than in the circumstances set out in paragraph 21.
13. At its first meeting and annually thereafter, the following will be determined for the ensuing year:
- a. The appointment of a Chair and Vice-Chair; and
  - b. A timetable of meetings.
14. The Chair and Vice-Chair shall, unless s/he resigns the office or ceases to be a member of PLACE continue in office until a successor is appointed in accordance with paragraph 13 above.
15. In the absence of the Chair, the Vice-Chair shall preside at the meeting. In the absence of both, the members present shall, as the first item of business, appoint one of their number to be Chair of the meeting.
16. The Chair or in his/her absence the Vice-Chair may call a special meeting to consider a matter that falls within the remit of PLACE but cannot await the next scheduled meeting provided at least 10 clear working days notice in writing is given to the PLACE Strategy Unit.
17. In this Constitution the phrase 'clear working days' means that the relevant number of days is calculated excluding the day that notice is given (or other instigating event) and the day of the meeting. Week-ends and bank holidays are excluded from the calculation.
18. No business shall be transacted at a meeting unless at least five of the authorities are represented by a member or substitute member of PLACE.
19. Decisions of PLACE will be by a qualified majority save that:
- a. any decision to recommend the authorities to agree an alteration to the terms of this Constitution must be unanimous; and
  - b. any decision which requires action to be taken or resources to be provided by any one or more of the authorities will require the agreement of such authority or authorities.

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c. for the purposes of this Constitution the term “Qualified Majority” shall mean the affirmative vote of no less than 5 members of PLACE with no more than two members voting against the resolution in question.

20. Voting shall be by way of show of hands.

21. PLACE may by resolution exclude the press and public from a meeting during an item of business wherever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of exempt or confidential information as defined by the Local Government Act 1972 and, where applicable the Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000.

22. Non-voting advisers/observers will be invited to attend meetings of PLACE for example representatives of the Chamber of Commerce, the PCT, Lancashire Economic Partnership Limited and Elevate, and may participate in the debate, but where they have an interest on the item in discussion they should declare this interest.

### Delegation

23. Subject to the unanimous agreement of its members, PLACE will have available to it full power to delegate its powers to a sub-committee of PLACE or officer of one of the authorities.

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24. It is anticipated that PLACE will put in place a working group comprising the chief executives of the authorities or their representatives who will make recommendations to PLACE in relation to the functions of PLACE and which will provide a report to PLACE at each of its meetings.

### Ethical Standards

25. Members of PLACE will continue to be bound by the code of conduct which applies to them as members of the authority to which they have been elected, when they are conducting the business of PLACE.

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26. It is agreed by the authorities that the rules about confidential information in the relevant code of conduct will apply to the confidential information of PLACE.

### Committee administration

27. As a statutory Joint Committee, PLACE is subject to the provisions of the Local Government Act 1972 in relation to access to information and committee administration for PLACE will be provided by Blackburn with Darwen Borough Council's Democratic Services, whose address is Blackburn Town Hall, King William Street, Blackburn, BB1 7DY, and who will be responsible for preparing and circulating agendas for meetings, and for producing the minutes. All agendas will be agreed by the Chair before they are sent out.

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28. Items of business may not be considered at a meeting of PLACE unless a copy of the item has been open to inspection by members of the public and the authorities for at least 5 clear working days before the meeting (or where the meeting is convened at shorter notice, from the time the meeting is convened.) However an item that has not been open to inspection may be considered where, by reason of special circumstances which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

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### Cessation of Membership

29. Any authority may withdraw from membership of PLACE by giving a minimum of twelve months notice (or such shorter period of time agreed by the members) in writing to the PLACE Strategy Unit.

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30. In the event of an authority withdrawing from membership of PLACE as provided for in paragraph 29 above, then the following provisions for withdrawal in this Constitution shall apply and in respect of any contractual obligations or other financial commitments entered into or costs reasonably incurred on behalf of PLACE whilst that authority was a member, that authority shall:

- a. continue to meet its share of the financial commitment and costs or meet its contractual obligations as required until the conclusion of the commitment or obligation as provided for in the documentation setting out the commitment or obligation; and
- b. continue to be responsible for its part of any other liabilities relating to those contractual obligations or financial commitments until the conclusion of the obligations or commitments, as the case may be.

### Scrutiny Arrangements

31. Provisions 32 to 36 below shall, in relation to Ribble Valley Borough Council, be read with the substitution of the word "policy" for the word "executive". Ribble Valley Borough Council's "call-in procedure for decisions made by policy committees" will apply to all such policy decisions made by PLACE.

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32. Executive decisions made by PLACE insofar as they relate to the exercise of the functions of PLACE shall be subject to the scrutiny arrangements of each authority.

33. All such executive decisions of PLACE shall be notified to all those to whom papers are to be despatched to the authorities in accordance with paragraph 27 above within two (2) clear working days of the decision being made.

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34. Each authority and their officers shall co-operate fully with the relevant scrutiny committee of each of the other authorities.

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35. Any executive decision of PLACE called in for scrutiny before it is implemented shall not be implemented until the outcome of scrutiny arrangements of the member whose membership has called in the decision.

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36. A call in of an executive decision can only be made if the executive decision concerned directly affects the authority whose membership wishes to call in the executive decision.

### Dispute Resolution

37. Any dispute under this Constitution shall in the first instance be referred to the Chief Executives of the authorities who shall meet to consider the dispute and use all reasonable endeavours to resolve matters as soon as reasonably practicable.

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38. The authorities shall use all reasonable endeavours to reach a negotiated resolution through the above dispute resolution procedure. The specific format for such resolution shall be left to the reasonable discretion of the authorities but may include preparation and submission of statements of fact or of position.

39. If the dispute is not resolved at this meeting and only if each authority agrees at such a meeting or within fifteen (15) clear working days of its conclusion the authorities may request that the dispute be referred to a mediator to be agreed between them.

### Confidential Information

40. Except as authorised by PLACE and except for information that is in the public domain, already in the lawful possession of the authorities, or is required by law to be disclosed, the authorities shall keep secret and shall not use or disclose, but shall use their best endeavours to prevent the use or disclosure of, any information provided in documentary form or electronically, which includes but is not limited to information relating to PLACE, its transactions, processes, specifications, methods, or other of its activities or affairs or those concerning its staff and/or suppliers and any other information of a confidential, secret or proprietary nature.

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41. The authorities must note their obligations under the Data Protection Act 1998, Freedom of Information Act 2000, Human Rights Act 1998 and any codes of practice and best guidance notes issued by the government and appropriate enforcement agencies. Each authority must comply with this legislation in so far as it places obligations on it and to facilitate compliance by any member. In particular each member must note that PLACE or any relevant accountable body may be required to provide information relating to this Constitution or the business of PLACE to a person in order to comply with its obligations under such legislation.

### Amendments to the Constitution

42. The terms of this Constitution shall be kept under periodic review.

43. Any amendments to this Constitution to be proposed to PLACE must first be approved by each of the authorities (including but not limited to the addition of a new member authority).

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44. The amendment once approved by the authorities shall be subject to the unanimous approval of PLACE.

**[AWAITING ADOPTION]**

## 10.05 Neighbourhood Forums

The Council may appoint Neighbourhood Forums as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

### 1. Form and Composition

The Council will appoint the Neighbourhood Forums as set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference and operational framework set out in (b) below

<u>Name of Neighbourhood Forum</u>	<u>Composition</u>
	<u>For all Neighbourhood Forums political balance is not necessary amongst the Council Members as all Members are from the Wards within the Forum area</u> <u>Membership of each Forum to include one County Councillor.</u> <u>Membership of Whitworth Forum to include one Whitworth Town Councillor</u> <u>Representatives from organisations based in the area and local service providers. Such representation to be determined by each Neighbourhood Forum.</u>
<u>Bacup</u>	<u>All Members from the following Wards: Greensclough, Irwell, Stacksteads</u>
<u>Haslingden, Helmshore and Edenfield</u>	<u>All Members from the following Wards: Eden, Greenfield, Helmshore and Worsley</u>
<u>Rawtenstall</u>	<u>All Members from the following Wards: Cribden, Goodshaw, Hareholme, Longholme, and Whitewell</u>
<u>Whitworth</u>	<u>All Members from the following wards: Facit and Shawforth Healey and Whitworth</u>

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## 2. Substitutions

With the exception of Councillors, all Neighbourhood Forum members may appoint a substitute to attend in their absence. That substitute should be from the same organisation/group and from a level in the organisation that will have autonomy to make informed decisions.

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## 3. Chairman

The Chair of the Neighbourhood Forum will be a Rossendale Borough Council Member appointed from within the Neighbourhood Forum boundary area and shall be elected annually by Rossendale Council.

## 4. Resignations

The resignation of any position must be in writing to the Portfolio Holder, Communities and Neighbourhoods.

## 5. Attendance

Any Neighbourhood Forum member not attending four consecutive scheduled meetings will be requested to confirm the reason for non-attendance to the Chairman which will be reported to the next meeting of the forum.

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## 6. Role of the Neighbourhood Forum members:

- Jointly agree priorities for the local area to be addressed through a Neighbourhood Plan.
- Encourage applications for grant funding.
- Contribute to the development of the Neighbourhood Forum agenda
- Provide regular updates from their organisation/group - sharing information and best practice.
- Take back comments / views of the Neighbourhood Forum and feed into consultations and policy changes.
- Contribute to debates at Neighbourhood Forum meetings to help identify a collective solution to identified priorities.
- Commit resources to local projects where appropriate.
- Jointly monitor the implementation of the Local Community Plan via regular monitoring reports
- Help 'unblock' complex issues where progress is not being made
- Refer any complex issues to the relevant Rossendale Partnership theme group or its Executive.

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## 7. Meeting Frequency and administration

7.1 All Neighbourhood Forums will hold four business meetings per annum which are not open to the public and will not fall within the Access to Information Procedure Rules. The Council will take responsibility for organising, convening and recording the meetings. Additional twice yearly open public forum meetings will be held to provide an opportunity for any member of the

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public to discuss any issue affecting their area or the borough and these will comply with the Access to Information Procedure Rules.

7.2 Special meetings called by the Neighbourhood Forum may be convened following agreement between the Neighbourhood Forum Chair, Portfolio Holder, Communities and Neighbourhoods and the Chief Executive.

7.3 Meetings of the Neighbourhood Forum will be held in the evening and will normally commence at 18.00.

7.4 Neighbourhood Forum meetings will not be held during the purdah period prior to the Local, County, National and European elections. Individual forum meetings may also be deferred in the event of unavoidable events such as a bi-election.

## **8. Agenda**

8.1 Whilst the Agenda of each Neighbourhood Forum will vary due to respective local priorities, each Agenda will be based upon the principle of including the following items:-

- Feedback from the Rossendale Partnership Executive, theme groups and operational delivery agencies such as the Multi Agency Problem Solving (MAPS) team on issues of local relevance.
- Partnership and public consultation issues
- Progress on delivering the agreed outcomes and targets set out within the Neighbourhood Action Plan and any emerging priorities.
- Grant allocation and feedback
- Community Cohesion

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8.2 The Agenda for the Neighbourhood Forum will be the responsibility of the Area Manager in consultation with the Chair.

8.3 No literature will be permitted to be distributed at the Neighbourhood Forum without the prior consent of the Chair.

## **9. Relationship with Rossendale Borough Council**

9.1 Rossendale Borough Council may establish Neighbourhood Forums as it deems appropriate if it is satisfied that to do so will ensure improved service delivery in the context of more efficient, transparent and accountable decision-making.

9.2 The Forums are a three-way partnerships between the Council, the community and locally-appointed service providers with the responsibility for procedural issues vested in the Council.

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9.3 Whilst the Neighbourhood Forum is a partnership within the Rossendale Partnership structure the Council has a distinct role in promoting the effectiveness of the Neighbourhood Forum.

9.4 In the light of this commitment, the Council will:-

- Be impartial in its dealings with the Neighbourhood Forum;
- Provide administrative and officer support - including meeting arrangements and minute taking;
- Encourage attendance;
- Accept an annual report prepared by each Neighbourhood Forum on local issues for consideration by Council;
- Refer appropriate policy matters to the Neighbourhood Forum;
- As part of the work programmes of Scrutiny and Cabinet consider any appropriate reports from the Neighbourhood Forum;
- Take account of the Neighbourhood Forum annual reports at the Council Cabinet and Senior Management Team annual away day.
- Provide advice and guidance as required by the Forum; and
- Ensure that a Senior Officer of the Council is available to support each Neighbourhood Forum.

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9.5 The Chair of the Neighbourhood Forum's will submit a collective 'Annual Report' to Council

## 10.0 Relationship with the Neighbourhood Forums and the Local Strategic Partnership (Rossendale Partnership)

10.1 The Chair of the Neighbourhood Forum's will submit a collective 'Annual Report' to the Rossendale Partnership Executive

10.2 Neighbourhood Forum minutes will be circulated to the members of the Rossendale Partnership Executive.

10.3 Neighbourhood Forum minutes will formally note if members have an action to refer an issue to their organisation.

10.4 Neighbourhood Forum Chairs to raise any knotty issues with the appropriate organisation, thematic partnership chair or portfolio holder.

10.5 The Rossendale Partnership Executive to have standing agenda item – Knotty Issues arising at Neighbourhood Forum meetings.

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10.6 The Rossendale Partnership Executive will act as the 'un-blocker' where knotty issues at a Neighbourhood Forum level need a greater strategic input. The Neighbourhood Forum Chair will refer any operational issues to supporting delivery teams for example the Multi Agency Problem Solving team or Police and Community Together (PACT), who intern will refer any knotty issues back to the Neighbourhood Forum.

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10.7 Community organisations/groups who are members of the Neighbourhood Forum will have 'Feedback from the Neighbourhood Forum' as a standard item on their community agenda. And they will provide copies of their minutes to the Neighbourhood Forum.

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## 11.0 Monitoring, Evaluation and Review Arrangements

11.1 The following monitoring and evaluation arrangements will apply:-

- That each Neighbourhood Forum drafts an Annual Report for consideration by the Council and Rossendale Partnership.
- One year from the launch of the new arrangement they will undergo a review and evaluation with a report to be submitted to Cabinet.

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## 12.0 Declaration of Interest

It is essential that any member of the Neighbourhood Forum declares an interest in any agenda item from which they or the organisation they represent or any organisation to which they belong, might make a financial, commercial or personal gain as a result of the partnership business.

This interest should be declared prior to the item being considered and the relevant member(s) should take no part in the discussion of the item and vacate the room, if the matter is a personal and prejudicial interest.

Elected Members must adhere to the Code of Conduct in relation to interests and seek advice from the Monitoring Officer in advance of the meeting, wherever possible.

## 13.0 Decision Making

There are no Executive Powers delegated to the Neighbourhood Forums.

No decision of the Neighbourhood Forum can be expected to override decisions of individual organisations. Rather, decisions made by the Forum are intended to influence partners, who will use their best endeavours to promote the partnerships decisions.

In line with the principle of the Rossendale Partnership's terms of reference the Neighbourhood Forums will seek to take decisions by consensus where possible.

Where normal healthy debate develops into conflict such as to threaten the operation of the Forum, the Chair will defer the matter to the Rossendale

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Partnership's Executive where it will be discussed by senior officers or Chief Executives from the relevant organisations with a view to seeking a resolution.

Occasionally there may be urgent items that require a decision outside the normal cycle of meetings. In such circumstances decision making authority is delegated to the Chief Executive of Rossendale Borough Council (as Accountable body representative) in consultation with the Chair of the Forum and the appropriate sector representatives, dependent upon the issue.

## **14.0 Neighbourhood Forum Grants**

14.1 Neighbourhood Forums allocate grants to external organisations who can demonstrate that the use of the funding assists in delivering on the Council's Corporate Objectives and those of the Local Strategic Partnership (LSP), The Rossendale Partnership.

The Council aims for its Neighbourhood Forum funding processes to be open, fair and transparent. The Neighbourhood Forum Funding Policy offers a framework for determining grant applications. Grants allocated by Rossendale Borough Council will be allocated and determined in accordance with the Neighbourhood Forum Funding Policy which states:

- That the Forum delegates authority to consider and allocate council grants to a Working Group of three Rossendale Borough Council Members and a witness from the community voluntary sector.
- The Council retains the right to refuse funding to any organisation who it feels does not meet the criteria set out within the policy, any organisation which it feels may bring the Council or the Neighbourhood Forum into disrepute or any organisation which it believes has been involved in any racist, sexist, homophobic or discriminatory practices.
- The Council, when producing its end of year accounts will also publish details of all grants given by the Forums in that year, which organisations received the funding and for what purpose.

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**ARTICLE 11 - OFFICERS**

**11.01 Management Structure**

- (a) **General.** The Full Council may engage such staff (referred to as “Officers”) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Full Council will engage persons for the following posts:
  - Chief Executive
  - Director of Customers and Communities
  - Director of Business
  - Head of Financial Services

- (c) **Head of Paid Service, Chief Finance Officer and Monitoring Officer.**

The Council will designate the following posts as shown:

<i>POST</i>	<i>DESIGNATION</i>
Chief Executive	Head of Paid Service
Head of Financial Services	Chief Finance Officer
<u>Director of Business</u>	Monitoring Officer

Such posts will have the functions described below.

**11.02 Functions of the Head of Paid Service**

- (a) **Discharge of Functions by the Council.** The Head of Paid Service will report to the Full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.
- (b) **Restrictions on Functions.** The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer, if a qualified accountant.

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- (c) **Structure** The Head of Paid Service will determine and publicise a description of the overall Service structure of the Council setting out the management structure and deployment of Officers. This is set out at Part 7 of this Constitution.

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### 11.03 Functions of the Head of Financial Services

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Head of Financial Services report either to the Cabinet or to the Full Council and the Council's External Auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (b) **Administration of Financial Affairs.** The Head of Financial Services will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to Corporate Management.** The Head of Financial Services will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing Advice.** The Head of Financial Services will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors and will support and advise Councillors and Officers in their respective roles.
- (e) **Give financial information.** The Head of Financial Services will provide financial information to the media, members of the public and the community.

### 11.04 Functions of the Monitoring Officer

- (a) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and the Head of Financial Services the Monitoring Officer will report either to the Cabinet or the Full Council if he or she considers that any proposal, decision or omission would give rise or has given rise to unlawfulness or if any decision or omission would give rise or has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (b) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (c) **Receiving reports.** The Monitoring Officer will receive and act upon reports made by Ethical Standards Officers appointed by the Standards Board for England and decisions of the Adjudication Panel.

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- (d) **Conducting investigations.** The Monitoring Officer will conduct or arrange for investigations into complaints to the Standards Committee of breaches of the Members' Code of Conduct and will make or arrange to make reports or recommendations in respect of them to the Standards Sub-Committees and Standards Panel.
- (e) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.
- (f) **Restrictions on posts.** The Monitoring Officer cannot be the Head of Financial Services or the Head of Paid Service.
- (g) **Maintaining the Constitution.** The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by Members staff and public.

11.05 **Provision of sufficient resources to the Head of Paid Service, Head of Financial Services and Monitoring Officer**

The Council will provide the Head of Paid Service, the Head of Financial Services and the Monitoring Officer with such offices, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.06 **Conduct**

Officers will comply with the Employees Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution and any other Protocol or Code of Conduct that may be adopted by the Council.

11.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Council's approved human resources policies.

Protocols for both Monitoring Officer and Head of Financial Services are in Part 5 of the Constitution.

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## ARTICLE 12 – DECISION MAKING

### 12.01 Responsibility for Decision Making

The Council will issue and keep up to date an Officer Delegation Scheme. The Scheme of Delegation forms part of the Constitution.

### 12.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) the rule of law;
- (b) clarity of aims and desired outcomes;
- (c) proportionality (i.e. the action must be proportionate to the desired outcome);
- (d) due consultation and the taking of professional advice from officers and/or appropriately qualified consultants;
- (e) respect for human rights;
- (f) a presumption in favour of openness;
- (g) explanation of the options considered and the reasons for decisions;
- (h) to have due regard of the potential impact in different sections of the community.

### 12.03 Decision making by the Full Council

The Full Council meetings will follow the Council Procedures Rules set in the Constitution when considering any matter.

### 12.04 Decision making by the Overview and Scrutiny Management Committee and Scrutiny Committees

Overview and Scrutiny Management Committee and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in the Constitution when considering any matter.

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12.05 **Decision making by the Cabinet and other Committees established by the Council**

The Cabinet (and any Cabinet Committies) will follow the Cabinet Procedure Rules set out in the Constitution when considering any matter. Council Committees will follow the Committee Procedures Rules set out in the Constitution when considering any matter.

12.06 **Decision making by Council bodies acting as tribunals**

The Council and its Committees or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure. This must accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

12.07 **Key Decisions**

1. A "key decision" means an executive decision which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates, or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough.

2. For the avoidance of doubt, the Council would regard any of the following as "significant" for the purposes of this Article:

- Any decision by the Cabinet in the course of developing proposals to the full Council to amend the policy framework.
- Any single item of in-budget expenditure or savings in excess of £100,000.
- Any decision which is likely to have a permanent or long term (more than five years) effect on the Council and the Borough.

12.08 A decision taken may only make a Key Decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

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(i) affects individuals or organisations outside the Borough;

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## ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS

### 13.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of the Constitution.

### 13.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of the Constitution.

### 13.03 Legal Proceedings

The Director of Business is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any other case where the Executive Director of Regulatory Services considers that such action is necessary to protect the Council's interests, acting within the Council's Scheme of Delegation.

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### 13.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Business or other person authorised by him or her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

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### 13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Business. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. Subject to Contract Procedure Rule 23.2, the affixing of the Common Seal will be attested by the Mayor or, in his or her absence, by the Deputy Mayor. In the absence of both the Mayor and Deputy Mayor the, Common Seal can be attested by the Chief Executive or Director of Business.

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## ARTICLE 14 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### 14.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. Rules of procedure may be suspended by the Cabinet or by a Committee or the Full Council, following a vote and will only apply at the meeting at which that vote is taken.

### 14.02 Interpretation

The ruling of the Monitoring Officer as to the construction or application of this Constitution shall be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### 14.03 Publication

- (a) The Monitoring Officer will give a printed copy of this Constitution to each Member of the authority upon delivery to him or her of that individual's declaration of acceptance of office on the Member's first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies are available for inspection at Council Offices, libraries and other appropriate locations.
- (c) The Monitoring Officer will ensure that a summary of the Constitution is made widely available in print and on the Council's website within the Borough and is updated as necessary.

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## SCHEDULE 1: DESCRIPTION OF CABINET / EXECUTIVE ARRANGEMENTS

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The following parts of this Constitution constitute the Cabinet / Executive arrangements:

1. Article 6 – Cabinet Committee and the Cabinet Procedure Rules.
2. Article 7 - Overview and Scrutiny Committees, and the Overview and Scrutiny Procedure and Rules.
3. Article 8 - Regulatory Committees, Neighbourhood Forums, and the Committee Procedure Rules.
4. Article 10 - Joint Arrangements in so far as any Joint Committee is determining Local Functions.
5. Article 12 - Decision Making and the Access to Information Procedure Rules.

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There are two Overview and Scrutiny Committees which support the work of the Cabinet, and the Council as a whole. One Overview and Scrutiny Committee deals with Policy and one Overview and Scrutiny deals with Performance. They are accountable to Full Council. They allow citizens to have a greater say in Council matters by discussing matters of local interest. This can lead to reports and recommendations which advise the Cabinet, other Committees and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committees also monitor the decisions of the Cabinet and other Council Committees. Members and the Committees can “call-in” a decision of a non-regulatory committee which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. The Committees may recommend that the Cabinet or Full Council should reconsider the decision, and may also be consulted by the Cabinet and other Committees on forthcoming decisions and the development of policy. Another of their functions is to support the Cabinet in ensuring that the Council complies with its duties of best value and value for money. They have a key role to play in promoting and monitoring good performance management throughout the Council.

- (d) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Local Government Ombudsman, after using the Council’s own complaints scheme;
  - (iii) the Standards Committee about a breach of the Members’ Code of Conduct.
- (e) **Citizens Charter.** The Council will maintain a Citizens Charter which sets out the rights of citizens under this Constitution.

### 3.02 **Citizens’ Responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully damage property owned by the Council, Councillors or Officers.

Citizens must not make vexatious or irrelevant complaints nor must they make unreasonable and repeated demands of the Council which could be to the detriment of other service users.

The Council welcomes participation by its citizens in its work. For further information on your rights as a Citizen please contact the Committee and Member Services Manager – on 01706 242423 or [democracy@rossendalebc.gov.uk](mailto:democracy@rossendalebc.gov.uk)

The Procedure for Public Speaking at Meetings is as follows:

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# PROCEDURE FOR

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**ROSSENDALE BOROUGH COUNCIL  
ASSESSMENT CONSIDERATION /PRE-HEARING AND HEARING  
PROCEDURE**

**INTERPRETATION**

- 1) 'Subject Member' means the Member of the Authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the member's nominated representative.
- 2) 'Investigating Officer' means the Monitoring Officer or Ethical Standards Officer and includes their nominated representative.
- 3) 'The Matter' is the subject matter of the investigator's report.
- 4) 'Committee' also refers to a Sub-Committee.
- 5) 'Legal Adviser' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the Authority, or someone delegated by the Monitoring Officer to so advise
- 6) 'The Committee Support Officer' means an officer of the authority responsible for supporting the Standards Committee discharge of its functions and recording the decisions of the Standards Committee.
- 7) 'The Chairman' refers to the person presiding at the Hearing.

# **ROSSENDALE BOROUGH COUNCIL**

## **PROCEDURE FOR THE ASSESSMENT, REFERRAL AND INVESTIGATION OF COMPLAINTS OF BREACH OF THE CODE OF CONDUCT**

### **Introduction**

This procedure applies when a complaint is received that a Councillor, Co-opted Member or Parish Councillor has or may have failed to comply with the Members Code of Conduct.

The person making the complaint will be referred to as “the complainant” and the person against whom the complaint is made will be referred to as the “subject member.”

The procedure will also apply if a complaint is referred back to the Standards Committee by the Standards Board for England.

No Member or Officer will participate in any stage of the assessment process if he or she has or may have any personal conflict of interest in the matter.

### **Assessment Sub-Committee**

Upon receipt of a complaint that a Councillor, Co-opted Member or Parish Councillor has failed or may have failed to comply with the Members Code of Conduct, the Monitoring Officer will liaise with the Committee and Members Services Manager or her representative to convene as soon as possible and in any event within 20 working days a meeting of an Assessment Sub-Committee.

The Assessment Sub-Committee will comprise three members of the Standards Committee, including an Independent Member who will act as Chairman. Where the complaint relates to a Parish Councillor, the Assessment Sub-Committee will include a parish member of the Standards Committee. The Sub-Committee will be convened on an ad hoc basis, and members will be appointed by the Monitoring Officer or her representative on a rotational basis, taking account of availability, and on the basis that so far as possible the Assessment Sub-Committee will not include a councillor of the same group as the subject member or the complainant.

The Assessment Sub-Committee will be advised by the Monitoring Officer, the Deputy Monitoring Officer or another Legally qualified officer .

The purpose of the Assessment Sub-Committee will be to decide whether any action should be taken on the complaint, either as an investigation or some other action. The Assessment Sub-Committee will not make any findings of fact.



The Assessment Sub-Committee will receive in advance of the meeting a copy of the complaint, together with a pre assessment report prepared by the Monitoring Officer or her representative which will set out the following details:

- Whether the complaint is within the jurisdiction of the Standards Committee;
- The paragraphs of the Code of Conduct the complaint may refer to, or the paragraphs the complainant has identified;
- A summary of key aspects of the complaint if it is lengthy or complex;
- Any further information that the Officer has obtained to assist the Assessment Sub-Committee with its decision. This may include minutes of meetings, a copy of a member's entry in the register of interests, information from Companies House or the Land Registry, or other easily obtainable documents;
- Any clarification obtained by the Officer from the complainant if the complaint was unclear.

It should be noted, however, that pre-assessment inquiries will be limited, and will not be carried out in such way as to amount to an investigation.

## **The Assessment Process**

The Assessment Sub-Committee will first consider whether the complaint meets the following tests:

- The complaint is against one or more named members or co-opted members of the Council or a parish council within its district;
- The subject member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject member was operating at the time of the alleged misconduct.

If the complaint fails and one or more of these tests, then it cannot be investigated as a breach of the Code of Conduct the decision of the Assessment Sub-Committee must be that no further action will be taken. The complainant must be informed that no further action will be taken in respect of the complaint.

If the complaint meets the above tests, then the Assessment Sub-Committee will proceed to consider whether to refer it to the Monitoring Officer, to refer it to the Standards Board for England, or whether no action should be taken. In making its decision, the Sub-Committee will take account of Assessment Criteria which are to be approved by the Standards Committee, and which will from time to time be reviewed by the Standards Committee.

The Assessment Sub-Committee will, unless there are exceptional circumstances, reach a decision within 20 working days of receipt of the complaint.

If the Assessment Sub-Committee decides to take no action over a complaint, then it will arrange for notice of that decision, including the reasons for it, to be given to the complainant, the subject member, and, if the subject member is a parish councillor, to the clerk to the relevant parish council. This will be done within five working days after the date of the meeting.

If the Assessment Sub-Committee decides to refer the complaint to the Monitoring Officer or to the Standards Board for England, it will arrange for a summary of the complaint to be sent to the complainant and the subject member stating what the allegation is, and the type of referral that has been made. This will be done within five working days after the date of the meeting.

However, the Assessment Sub-Committee may decide not to give the subject member a summary of the complaint if it considers that doing so would or might be against the public interest or would or might prejudice any future investigation. In considering this, the Sub-Committee will take advice from the Monitoring Officer, and will consider in particular whether it is likely that the subject member or other person may seek to intimidate, or influence or pressurise the complainant or any witnesses involved or whether early disclosure of the complaint may lead to evidence being compromised or destroyed. The Sub-Committee will balance whether the risk of the case being prejudiced by the subject member being informed of the details of the complaint at that stage may outweigh the fairness of notifying the subject member.

## **The Review Process**

If the Assessment Sub-Committee decides not to take any action on a complaint, then the complainant has a right to request a review of that decision, and will be so advised when notified of the decision.

When a request for review is received, the Monitoring officer will liaise with the Committee and Members Services Officer or her representative to convene as soon as possible and in any event within 20 working days a meeting of a Review Sub-Committee. The subject member will be informed when a review has been received

The Review Sub-Committee will comprise three members of the Standards Committee, including an Independent Member who will act as Chairman. None of these Members will have been members of the Assessment Sub-Committee that considered the original complaint. Where the complaint relates to a Parish Councillor, the Review Sub-Committee will include a parish member of the Standards Committee. The Sub-Committee will be convened on an ad hoc basis, and members will be appointed by the Monitoring Officer or her representative on a rotational basis, taking account of availability, and on the basis that so far as possible the Review Sub-Committee will not include a councillor of the same group as the subject member or the complainant.

In addition to the documents referred to in paragraph 9 above, the Review Sub-Committee shall have a copy of the Assessment Sub-Committee's decision notice, but will consider the complaint afresh, using the Assessment Criteria referred to in paragraph 11 above. The Review Sub-Committee has the same range of decisions available to it as the Assessment Sub-Committee and will follow the process outlined above in paragraphs 10-15 above.

Where on a request for review further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint, the Review Sub-Committee will consider if it is more appropriate to pass this to an Assessment Sub-Committee as a new complaint. In this instance, the Review Sub-Committee will make a formal decision that the review request will not be granted. Within 5 working days of making its decision both the complainant and the subject member will be provided with notice in writing of both the decision and reasons for the decision. In the event that a Parish Councillor is involved the Parish Council will be informed.

## **Withdrawing Complaints**

If a complainant asks to withdraw the complaint prior to the Assessment Sub-Committee having made a decision on it, the Assessment Sub-Committee will decide whether or not to grant the request. In making its decision, the Sub-Committee will consider:

- Whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it;
- Whether the complaint is such that action can be taken on it without the complainant's participation;
- Whether there is an identifiable underlying reason for the request to withdraw the complaint, and in particular whether there is any evidence that the complainant may have been intimidated, influenced or pressurised by the subject member or other person to withdraw the complaint, or any witnesses involved may have been intimidated, influenced or pressurised.

## **Confidentiality**

If a complainant has asked for his or her identity to be withheld, this request will be considered by the Assessment Sub-Committee at the same time as it considers the complaint.

As a matter of fairness and natural justice, the subject member should usually be told who has complained about them. However, in exceptional circumstances, the Assessment Sub-Committee may grant confidentiality if it is satisfied that the complainant has reasonable grounds for believing that he or she or any witness involved will be at risk of physical harm, or his or her employment will be jeopardised if his or her identity is

disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

The Assessment Sub-Committee will also take into account whether it would be possible to refer the complaint without making the complainant's identity known, and, in particular, whether the complainant's participation would be required if the complaint were referred.

If the Assessment Sub-Committee decides to refuse a request by a complainant for confidentiality, it may offer the complainant the option to withdraw, rather than proceed with his or her identity being disclosed. The Assessment Sub-Committee will balance whether the public interest in taking action on a complaint may outweigh the complainant's wish to have his or her identity withheld from the subject member

## **Complaints about Members of more than one Authority**

Where a complaint is received about a councillor, a co-opted Member or parish councillor who is known to be a member of another authority, for example, the County Council, the Monitoring Officer will before the meeting of the Assessment Sub-Committee establish whether a similar allegation has been made to the other authority. In the light of information from and in co-operation with the other authority, the Assessment Sub-Committee will consider which authority should deal with the complaint.

### **ROSSENDALE BOROUGH COUNCIL STANDARDS COMMITTEE**

Circumstances where the Assessment Sub-Committee may decide that no action should be taken in respect of the allegation:

Where the complaint is about someone who is no longer a Member of the Council or Parish Council. (Where the Member is no longer a Member of the Council or Parish Council, but is a Member of another Authority, the complaint will be referred to the Standards Committee of that other Authority to consider).

Where the information provided by the complainant is not sufficient to enable the Sub-Committee to make a decision as to whether the complaint should be referred for investigation or other action. However, the complainant will be advised that it is possible to resubmit the complaint with further information.

Where a substantially similar allegation has previously been made by the complainant to the Standards Board or the Standards Committee, or the complaint has been the subject of an investigation by another Regulatory Authority, (except where a Review Sub-Committee has taken the view that a request for review contains new information and

should be considered by an Assessment Sub-Committee rather than the Review Sub-Committee). The Sub-Committee will only refer the complaint for investigation or other action if it considers that there is a compelling reason to do so.

Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, it may be appropriate to refer the complaint for investigation or other action.

Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

Where the allegation discloses a potential breach of the Members' Code of Conduct, but the Sub-Committee considers that the complaint is not serious enough to warrant further action.

Where the complaint appears to be malicious, politically motivated or tit-for-tat.

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#### Circumstances where the Assessment Sub-Committee may decide to refer the allegation to the Monitoring Officer for investigation

Where the allegation discloses a potential breach of the Code of Conduct that the Sub-Committee considers sufficiently serious to justify the cost of an investigation.

#### Circumstances where the Assessment Sub-Committee may decide to refer the allegation to the Monitoring Officer for training, conciliation or other steps as appear appropriate to the Standards Committee

*Note This approach may be appropriate where the Sub-Committee believes that the conduct, if proven, may amount to a failure to comply with the Code, and that some action should be taken in response to the complaint. If this approach is taken, the purpose of the action is NOT to find out whether the Member, who is the subject of the allegation, breached the Members' Code, and no conclusion will have been reached on whether the Member failed to comply with the Code. It should be noted that this approach may be taken after consultation with the Monitoring Officer.*

Where the complaint suggests that there is a wider problem throughout the Authority and it is appropriate to extend the action to other Members who are not the subject of the complaint.

Where it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction.

Where it appears that even if the allegation was fully investigated, and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy.

Circumstances where the Assessment Sub-Committee may decide to refer an allegation to the Standards Board

Where the Assessment Sub-Committee believes that the status of the member or members, or the number of Members about whom the complaint is made, would make it difficult for the Standards Committee to deal with the complaint. For example, if the complaint is about the Leader or Deputy Leader of the Council, a Group Leader or a Member of the Cabinet or Standards Committee.

Where the Assessment Sub-Committee believes that the status of the complainant would make it difficult for the Standards Committee to deal with the complaint. For example, if the complainant is the Leader or Deputy Leader, a Group Leader or a Member of the Cabinet or Standards Committee, or the Chief Executive or a Statutory Officer.

Where the Assessment Sub-Committee considers that there is a potential conflict of interest of so many Members of the Standards Committee that it could not properly deal with the matter itself.

Where the Assessment Sub-Committee believes that there is a potential conflict of interest of the Monitoring Officer or other Officers, and that suitable alternative arrangements cannot be put in place to address the conflict.

Where the case is so serious or complex that it cannot be handled locally.

Where the complaint will require substantial amounts of evidence beyond that available from the Authority's documents, its Members or Officers.

Where there is substantial governance dysfunction in the Authority or its Standards Committee.

Where the complaint relates to long-term or systematic Member or Officer bullying which could be more effectively investigated by someone outside the Council.

Where the allegation raises significant or unresolved legal issues on which a national ruling would be helpful.

Where the public might perceive the Council to have an interest in the outcome of a case. For example, if the Authority could be liable to be judicially reviewed if the complaint were upheld.

Where there are exceptional circumstances which could prevent the Authority or its Standards Committee investigating the complaint competently, fairly or in a reasonable period of time.

### **PRE-HEARING STAGE**

#### **THE PRE-HEARING PROCESS TO BE CARRIED OUT IN WRITING UNLESS THE CASE IS VERY COMPLICATED AND THE CHAIR OF THE STANDARDS COMMITTEE AND LEGAL ADVISER AGREE THAT A PRE-HEARING SUB-COMMITTEE SHOULD BE ORGANISED , THAT DECISION TO BE MADE AT STAGE 5 BELOW**

1. A Consideration, Pre-Hearing and Hearing Sub-Committee shall be convened with a composition in accordance with the principles set out below.
2. The Subject Member will be asked for a written response to the Investigating Officer (IO's) report within fifteen working days and shall state whether he/she

disagrees with any of the findings of fact in the report, giving the reasons for any disagreement;  
wishes to detail other evidence relevant to the complaint  
wishes to be legally represented or by any other person;

wishes to give evidence to the Sub-Committee, either orally or in writing;

confirm if any party has specific needs (e.g. access requirements)

confirm they are attending the Hearing

wishes to call relevant witnesses to give evidence to the Sub-Committee (and to outline that evidence);

wishes any part of the Hearing to be held in private;

wishes any part of the IO's report or other relevant documents to be withheld from the public;

wishes to outline any representations to be taken into account if the Subject Member is found to be in breach.

3. The Subject Member shall be informed that if, at the meeting of the Sub-Committee, he/she seeks to dispute any matter contained in the IO's report without having previously notified the intention to do so, the Sub-Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.

4. The IO shall be invited to comment on the Subject Member's response within ten working days of receipt, and shall state whether or not he/she
  - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Sub-Committee;
  - wishes any part of the Hearing to be held in private;
  - wishes any part of the report or other relevant documents to be withheld from the public;
5. Witnesses may only give evidence with the express approval of the Chair of the Sub Committee.
6. The Subject Member and the IO are entitled to request the Chair's approval for the attendance of such witnesses as are necessary. However, in consultation with the Monitoring Officer, the Chair may limit the witnesses to be called, if he/she believes the number requested for the relevant party is unreasonable or that the relevant witnesses will be repeating the evidence of other witnesses to be called, or else not likely to provide such relevant evidence that will assist the Sub-Committee to reach its decision.
7. The Chairman may request the attendance of any additional witnesses whose evidence he/she considers would assist the Sub-Committee to reach its decision.
8. The Monitoring Officer or the Legal Adviser (who must not be the IO), in consultation with the Chair of the Sub Committee, will write to the Subject Member and the IO to:
  - confirm a date, time and place for the Hearing, which must be within three months from the date on which the IO's report was completed and not less than fourteen working days after the report was sent to the Subject Member
  - confirm the main facts of the case that are agreed
  - confirm the main facts that are not agreed
  - provide copies of any written evidence to the relevant parties
  - confirm which witnesses will be called by the parties
  - provide the parties with copies of the proposed procedure for the Hearing, specifying which parts of the proceedings, if any, may be considered in private

The Monitoring Officer will also write to update the complainant.

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**CONSIDERATION, PRE-HEARING AND HEARING SUB-COMMITTEE  
PROCEDURE FOR A HEARING**



1. The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.

## **REPRESENTATION**

2. The Subject Member may be legally represented, or with the permission of the Sub-Committee, by another person. It is the responsibility of the Subject Member to arrange for their own representation.

## **LEGAL ADVICE**

3. The Sub-Committee may take legal or procedural advice from its Legal Adviser (who may be the Monitoring Officer) at any time during the Hearing or during the Sub-Committee's deliberations. The substance of any advice given to the Sub-Committee will be shared with the Subject Member and Investigating Officer (IO) if they are present at the Hearing.

## **INTRODUCTIONS AND SETTING THE SCENE**

4. At the start of the Hearing, the Chairman shall introduce each of the members of the Sub-Committee, the Subject Member (if present), the IO (if present), and the Legal Adviser, and shall then explain the procedure, which the Sub-Committee will follow.

## **PRELIMINARY PROCEDURAL ISSUES**

5. The Sub-Committee shall deal with the following preliminary procedural matters:

### **a) Disclosures of interest**

The Chairman shall ask members of the Sub-Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

### **b) Quorum**

The Chairman shall confirm that the Sub-Committee is quorate.

### **c) Exclusion of Press and Public**

The Chairman shall ask the Subject Member, the Investigator and the Legal Adviser to the Sub-Committee whether they wish to ask the Sub-Committee to exclude the Press or Public from all or any part of the Hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses

from the others and the Sub-Committee shall then determine whether to exclude the press and public from all or any part of the Hearing.

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#### **d) Hearing procedure**

The Chairman shall confirm that all present know the procedure which the Sub-Committee will follow in determining the matter.

#### **If the Subject Member is not present at the start of the hearing:**

- The Chairman will ask the Legal Adviser whether the Subject Member has indicated his/her intention not to attend the hearing;

The Sub-Committee shall then consider any reasons which the Subject Member has provided for not attending the hearing;

If it is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Sub-Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

#### **MAKING FINDINGS OF FACT**

6. After the preliminary procedures, the Sub-Committee will consider whether or not there are any significant disagreements about the facts contained in the IO's report.

If there is no disagreement about the facts, the committee can move on to the next stage of the hearing.

If there is disagreement, the IO will present the evidence which is relevant to the facts in dispute. With the permission of the Sub-Committee, witnesses can be called to give relevant evidence. The Subject Member and the Sub-Committee members may ask questions of the IO or any witness.

The Subject Member or his/her representative will then present the evidence which is relevant to the facts in dispute. With the permission of the Sub-Committee, witnesses can be called to give relevant evidence. The IO and the Sub-Committee members may ask questions of the Subject Member or any witnesses.

9. At any time, the Sub-Committee may question any of the people involved or any witnesses, and may allow the Investigator to challenge any evidence put forward by witnesses called by the Subject Member.

10. If the Subject Member disagrees with most of the facts, the Investigator will make representations on all the relevant facts, instead of discussing each fact individually.
11. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject member's explanation, the Sub-Committee may continue with the hearing, relying on the information in the report; may allow the Subject Member to make representations about the issue and invite the IO to respond and call witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
12. The Sub-Committee will consider in private all the evidence which has been heard or received as written evidence first, to establish its findings of fact.
13. On their return, the Chairman will announce the Sub-Committee's findings of fact.
14. At any stage in the consideration of the matter, the Sub-Committee may return to ask further questions of the IO or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.

#### **DID THE SUBJECT MEMBER FAIL TO FOLLOW THE CODE OF CONDUCT**

The Sub-Committee will then consider whether, based on the facts it has found, the subject member has failed to follow the Code.

The Subject Member will be invited to give relevant reasons why the Sub-Committee should decide that they have not failed to follow the Code.

The Sub-Committee will then consider any verbal or written representations from the Investigator.

The Sub-Committee may, at any time, question anyone involved on any point they raise on their representations.

The Subject Member will then be invited to make any final relevant points.

The Sub-Committee will consider in private the representations.

On their return, the Chairman will announce the Sub-Committee's decision as to whether the Subject Member has failed to follow the Code.

## **IF THE SUBJECT MEMBER HAS NOT FAILED TO FOLLOW THE CODE OF CONDUCT**

22. If the Sub-Committee decides that the subject member has not failed to follow the Code, the committee can move on to consider whether it should make any recommendations to the Authority.

## **IF THE SUBJECT MEMBER HAS FAILED TO FOLLOW THE CODE OF CONDUCT**

23. If the Sub-Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Sub-Committee will consider any verbal or written representations from the Investigator and the Subject Member as to:

Whether the Sub-Committee should apply a sanction

What form any sanction should take

24. The Sub-Committee may ask questions of the Subject Member and the IO and take legal advice, to make sure they have the information they need in order to make an informed decision.
25. The Sub-Committee shall then consider in private whether to impose a Sanction on the Subject Member, and, if so, what sanction to impose and when that sanction should take effect.
26. The sanctions open to the Sub-Committee are:
- censure (to express formal disapproval or formally rebuke the actions and/or behaviour) of the Subject Member (suitable for members who are no longer members of the authority);
  - restriction for a period not exceeding six months of the Subject Member's access to the premises of the authority or use of the resources of the authority, provided that those restrictions are reasonable and proportionate to the nature of the breach and do not unduly restrict the person's ability to perform the functions of a member;
  - partial suspension of the Subject Member for a period not exceeding six months;

suspension of the Subject Member for a period not exceeding six months;

require the Subject Member to submit a written apology in a form specified by the Sub-Committee;

require the Subject Member to undertake such training as the Sub-

Committee specifies;

partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member submits a written apology in a form specified by the Sub-Committee;

partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Sub-Committee specifies;

suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has submitted a written apology in a form specified by the Sub-Committee;

suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Sub-Committee specifies;

any combination of the above sanctions.

27. Any sanction imposed by the Sub-Committee shall commence immediately unless the Sub-Committee directs that a sanction shall commence on another date within six months from the imposition of the sanction.
28. In deciding to impose a sanction, the Sub-Committee shall consider all the relevant circumstances and shall have regard to any relevant Guidance issued by the Standards Board.
29. If the Sub-Committee has determined that the action which it could itself take (if there were a finding that there had been a failure to follow the provisions of the Code) would be insufficient then it may decide to refer the matter to the Adjudication Panel for determination. The reference itself can be made only if the President or Deputy President has agreed to accept it.
30. The Chairman will announce the decision of the Sub-Committee. Written notice of the findings of the Sub-Committee will be given as soon as it is reasonably practicable to the Subject Member, the Standards Board, the Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation. Public notices shall be given in accordance with the Regulations.
31. Where the Sub-Committee determines that the Subject Member has failed to comply with the Code of Conduct, the Chairman shall inform the Subject Member of the right to seek permission to appeal against the Sub-Committee's findings or any sanction imposed by sending a notice in writing to:

**The President of the Adjudication Panel for England at  
23 Victoria Avenue, Harrogate, HG1 5RD**

within 21 days of receipt of the written notice of findings.

**RECOMMENDATIONS TO THE AUTHORITY**

32. The Sub-Committee may consider making recommendations with a view to promoting higher standards of conduct among members.

**COMPOSITION OF THE CONSIDERATION, PRE-HEARING AND HEARING SUB-COMMITTEE**

1. The Sub-Committee shall comprise three Members of the Standards Committee and at least one shall be an Independent Member.
2. An Independent Member will be the Chair of the Sub-Committee.

Where the Subject Member is a Parish or Town Councillor, at least one Parish or Town Representative will be a member of the Sub-Committee.

4. Subject to the above, the pool of Members drawn from the Standards Committee will be selected in rotation, taking into account their availability for the proposed hearing date, and any possible conflicts of interest.
5. Independent members may also be temporarily appointed to another Standards Committee to consider a particular Assessment, Review or Hearing or for a particular period of time.
6. Once a Sub-Committee has been selected for a Hearing, if a Member becomes unavailable to attend, a substitute will be selected in accordance with the above.

**TERMS OF REFERENCE OF THE CONSIDERATION, PRE HEARING AND HEARING SUB-COMMITTEE**

Consideration of investigation reports prepared by or on behalf of the Monitoring Officer following a referral by the Assessment Sub-Committee on an initial assessment and determine:

That it accepts the Monitoring Officer's finding of no failure (a finding of acceptance) to comply with the code of conduct

That the matter should be considered at a Hearing of the Standards Committee  
Consideration and Hearing Sub-Committee

That the matter should be referred to the Adjudication Panel for determination

After making a finding of acceptance, the Consideration, Pre-Hearing and Hearing Sub-Committee shall give written notice to the Subject Member and Complainant / Town Council as required by Regulations.

3. At the request of the Monitoring Officer and Chair of the Standards Committee to hold a Pre hearing to:

Identify whether the subject member disagrees with any of the findings of fact in the investigation report

Identify whether those disagreements are likely to be relevant to any matter the hearing needs to decide

Identify whether evidence about those disagreements will need to be heard during the hearing

Decide whether there are any parts of the hearing that are likely to be held in private

Decide whether any parts of the investigation report or other documents should be withheld from the public prior to the Hearing, on the grounds that they contain “exempt” material

To conduct the Hearing of an allegation that a Subject Member or Co-opted Member is in breach of the Code of Conduct in accordance with the law and Standards Board Guidance.

Following a Hearing, make one of the following findings:

That the Subject Member has not failed to comply with the Code of Conduct;

That the Subject Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of the matters considered at the Hearing;

That the Subject Member has failed to comply with the Code of Conduct and that a sanction should be imposed.

If the Sub-Committee makes a finding under paragraph 4(c) it shall impose any one of or any combination of sanctions that are available to a Standards Committee by law and outlined in the Procedure for a Hearing.

As soon as reasonably practicable, after making a finding under paragraph 4, it shall provide written notice of the finding and the reasons for it to the Subject Member / Complainant / Town Council , the Standards Board and the Standards Committee of any other authority concerned.

The Sub-Committee shall comprise three Members of the Standards Committee.

The Chair of the Sub-Committee will be an Independent Member

The Quorum for meetings of the Sub-Committee will be three members.

Decide on exempt information

## **ROSSENDALE BOROUGH COUNCIL STANDARDS COMMITTEE**

### **PROCEDURE FOR CASES REFERRED FOR INVESTIGATION TO THE MONITORING OFFICER**

When an allegation is referred to the Monitoring Officer (MO) for investigation, he/she will within five working days, unless otherwise directed by the Assessment Sub-Committee or the Ethical Standards Officer (ESO) inform the member who is the subject of the allegation (“the Subject Member”), the person who made the allegation (“the Complainant”), the clerk to any parish council concerned, and the standards committee of any other authority concerned, that the matter has been referred for investigation and who will carry out the investigation.

**MEMBERS SHOULD NOTE THAT UNTIL THIS TIME THE MONITORING OFFICER HAS NO AUTHORITY TO DISCUSS THE SUMMARY OF THE COMPLAINT WITH THE SUBJECT MEMBER. GROUP LEADERS WILL BE INFORMED AT THIS STAGE**

Unless the Assessment Sub-Committee or ESO have directed that it would be contrary to the public interest or prejudicial to the investigation, the MO will at the same time provide the Subject Member with a written summary of the allegation.

The MO will appoint an Investigating Officer (IO) who may be an officer of the Council, or an external person. The IO may appoint persons to assist him/her in the conduct of the investigation, and may obtain such professional advice as may be necessary.

In carrying out the investigation, the IO shall have regard to any relevant guidance issued by the Standards Board, and shall comply with any relevant direction given by the Standards Board.

The IO may make such inquiries as he/she thinks necessary or expedient for the purposes of conducting the investigation, and may require any person to give such information or explanation as the IO thinks necessary. The IO may require any relevant authority concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation, and to provide reasonable access to such documents in the possession of that authority as appear to the IO to be necessary for the purpose of conducting the investigation.

Statements will be prepared and agreed with each person interviewed during an investigation. The Subject Member may be accompanied by a professional representative or advisor, a political colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative. Interviews will be tape recorded with the agreement of the Subject Member.



The IO will try to complete the investigation within a reasonable period of time according to the nature of the complaint and the extent of the investigation required.

Where during the investigation, as a result of new evidence or information, the IO forms an opinion that the matter is materially more serious or materially less serious than may have seemed apparent to the Assessment Sub-Committee, when it made its decision to refer the matter for investigation, he/she shall refer the matter to the Assessment Sub-Committee who shall consider the matter as if it were a new allegation.

If the Subject Member has died, is seriously ill or has resigned from the authority concerned, and the IO of the opinion that it is no longer appropriate to continue with the investigation, he/she shall refer the matter to the Assessment Sub-Committee

The IO, having concluded the investigation, will consider whether to produce a draft report before the final report. A draft report may be appropriate where the facts are complex or ambiguous, or where the facts are disputed. Any draft report will be issued to the Subject Member and Complainant for comment, and will indicate that it does not necessarily represent the IO's final finding.

The IO's final report will include a statement of his/her finding. This will be either that there has been a failure to comply with the code of conduct ("a finding of failure"), or that there has not been a failure to comply with the code of conduct ("a finding of no failure"). A copy of the report will be sent to the Subject Member and referred to the Standards Committee Consideration, Pre- Hearing and Hearing Sub-Committee.

### **Consideration stage**

When the Standards Consideration, Pre-Hearing and Hearing Sub-Committee considers the report of the IO, it shall make one of the following findings:

- That it accepts the finding of no failure ("a finding of acceptance")
- That the matter should be considered at a Hearing by a Consideration, Pre-Hearing and Hearing Sub- Committee of the Standards Committee, or
- That the matter should be referred to the Adjudication Panel for determination (but only if it has determined that the action it could take against the Subject member would be insufficient were a finding of failure to be made, and the president or deputy president of the Adjudication Panel has agreed to accept the referral)

Where there is a finding of acceptance, written notice of that finding shall be given to those involved, and published as required by the relevant Regulations, unless the Subject Member requests otherwise.

Where the Consideration, Pre-Hearing and Hearing Sub-Committee decides to hold a hearing, this shall be conducted in accordance with the Committee’s Pre-hearing and Hearing Procedures.

If the investigation report finds that there has been a failure to comply with the Code a hearing must take place – unless the Standards Consideration, Pre-Hearing and Hearing Sub-Committee decides that the matter should be referred to the Adjudication Panel for England for determination.

**Performance indicators**

The IO will seek to complete reports within 6 months of the Assessment Sub Committee

Hearings will be held within 3 months of completion of the investigation

