

Subject: Annual Review of the Constitution **Status:** For Publication

Report to: Annual Council **Date:** 19th May 2010

Report of: Director of Business

Portfolio

Holder: Finance and Resources

Key Decision: Reserved for Full Council

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To seek approval of Members for amendments to the Council's Constitution which are outlined in Appendix.
- 1.2 To inform Members that minor amendments have been made to the Constitution comprising of typographical, grammatical and formatting amendments.
- 1.3 To agree the Constitution for the 2010/10 Municipal Year.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on all the Council's corporate priorities, particularly in relation to 'Delivering quality services to our Customers'.
- 2.2 The purpose of the Constitution is to:-
 - 1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations.
 - 2. Support the active involvement of citizens in the process of local authority decision-making.
 - 3. Help Councillors represent their constituents more effectively.
 - 4. Enable decisions to be taken efficiently, effectively and transparently, with due regard to probity and equity.

5. Create a powerful and effective means of holding decision makers to 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.
8. Provide a means of improving the delivery of services to the community.

3. RISK ASSESSMENT IMPLICATIONS

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

- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

4. BACKGROUND AND OPTIONS

4.1 Appendix A outlines the proposed changes to the Constitution, however the main changes are summarised below:-

The following changes were recommended by the Governance Working Group:

○ Member Development Working Group Terms of Reference – additions to include the wording:

- Oversee the programme of the Member Development Events
- Produce an Annual Training Programme
- Produce a Training and Development Strategy

○ Civic Matters Working Group Terms of Reference – additions to include the wording:

- To agree amendments to the Civic Protocol
- To agree the nominations for Deputy Mayor and Honorary Alderman
- To set the date and format for Annual Council

○ General Speaking Procedures – main amends are to rectify incorrect details of titles and location of Committee meetings, in addition to:

- Who can ask a question? Any person who lives or works in the Borough, or their representative.

○ Speaking Procedures for Development Control – main amends are to rectify incorrect details of titles and location of Committee meetings, in addition to:

- Any Elected Ward 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. In exceptional circumstances any other elected member wishing to speak can do so in consultation with the Chair.

In addition to the above changes, other changes include:

- Delegations to officers – these have been amended to rectify titles and to rectify incorrect details such as names of meetings and external organisations, in addition to the increase to £5000 in sundry debt write-offs and discretionary rate relief by the Head of Finance (as agreed by Cabinet in March 2010).
- Member Allowances - changes as agreed at Full Council February 2010
- Lancashire Local Information – deletion of the section

4.2 As noted at paragraph 1.2 the Director of Business has made additional minor amendments to the Constitution, these comprise of typographical, grammatical and formatting amendments.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 There are no financial implications arising from the report.

6. MONITORING OFFICER

6.1 All legal implications are commented upon in the body of the report.

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

7.1 There are no Human Resource implications arising from the report.

8. CONCLUSION

8.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to accept the amendments outlined in this report and Appendix.

9. RECOMMENDATION(S)

9.1 That the Council adopts the Constitution, as amended.

9.2 That the Council notes that the Director of Business has made minor amendments to the Constitution comprising typographical, grammatical and formatting amendments.

9.3 That future minor amendments to the Constitution be delegated to the Director of Business in consultation with the Portfolio Holder.

10. CONSULTATION CARRIED OUT

10.1 Governance Working Group, Statutory Officers, Legal Officers, Committee and Member Services and Management Team.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Background Papers	
Document	Place of Inspection
The Constitution of the Council	www.rossendale.gov.uk/constitution