

Subject:	Annual Review of the Constitution		Status:	For Publication	
Report to:	Annual Council		Date:	20 th May 2011	
Report of:	Director of Business		Portfolio Holder:	Finance and Resources	
Key Decision:	No - reserved for Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
Community Impact Assessment:	Required:	No	Attached:	No	
Biodiversity Impact Assessment	Required:	No	Attached:	No	
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1.	RECOMMENDATION(S)
1.1	That the Council adopts the Constitution, as amended.
1.2	That future minor amendments to the Constitution be delegated to the Director of Business in consultation with the Portfolio Holder.

2. PURPOSE OF REPORT

- 2.1 To seek approval of Members for amendments to the Council's Constitution which are outlined in Appendix A.
- 2.2 To agree the Constitution for the 2011/12 Municipal Year.
- 2.3 The purpose of the Constitution is to:-
 - a) Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations.
 - b) Support the active involvement of citizens in the process of local authority decision-making.
 - c) Help Councillors represent their constituents more effectively.
 - d) Enable decisions to be taken efficiently, effectively and transparently, with due regard to probity and equity.
 - e) Create a powerful and effective means of holding decision makers to public account.
 - f) To ensure that no one will review or scrutinise a decision in which they were directly involved.
 - g) Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.
 - h) Provide a means of improving the delivery of services to the community.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
 - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) 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.

5. BACKGROUND AND OPTIONS

- 5.1 Appendix A outlines the proposed changes to the Constitution in relation to:
- The contract procedure rules which would bring the Constitution up to date with current accounting practices.
 - RIPA amendments required as a result of the April 2010 Regulation of Investigatory Powers (Direct Surveillance and Covert Human Intelligence Sources) Order 2010 and revised Codes of Practice coming into force.
 - The delegation to the Director of Business to make applications to the Home Secretary for consent to make Orders under the Public Order Act 1986, this permission is provided for in legislation but not currently included in the Constitution.
 - Written public questions being amended to clarify the procedure if the questioner was unable to attend.
- 5.2 The Governance Working Group met on 3rd March and made the following recommendations:
- That the Governance Working Group recommend Council to accept the proposed changes to the contract procedure rules.
 - That the Governance Working Group recommend Council to accept the proposed changes in relation to the RIPA amendments for the Constitution as follows:
“The Director of Business is the Senior Responsible Officer for the purposes of the Regulation of Investigatory Powers Act 2000.”
 - That the Governance Working Group recommend Council to accept the additional delegation to the Director of Business in the Constitution as follows:
“To make applications to the Home Secretary for consent to make Orders under the Public Order Act 1986 upon such terms as the Director of Business considers appropriate having regard to any application of the Chief Constable and in consultation with the Leader or his Deputy if unavailable and consideration of any provision of the Human Rights Act 1998 and any other legislative or legal provision the Director of Business deems appropriate. The authorisation includes the making of any appropriate Orders following the receipt of any consent of the Home Secretary.”
 - That the wording of the amendment on written public questions, be delegated to the Head of Legal and Democratic Services for submission to Council.
- 5.3 In addition to the above changes the following change has already been made:
- Changes delegated to the Director of Business in consultation with the Portfolio Holder regarding the decision on the Executive Leader and Cabinet Model (Governance Arrangements). This decision was made at Council on 15th December 2010 and the changes make provision for:
 - Appointing the Leader for a 4 year period.
 - The Leader appointing the Deputy for a 4 year period.
 - The Leader appointing the Cabinet.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no financial implications arising from the report.

7. MONITORING OFFICER

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

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

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

9. CONSULTATION CARRIED OUT

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

10. CONCLUSION

10.1 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 the Appendix.

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