

Subject:	Constitution Review		Status:	For Publication	
Report to:	Governance Working Group Council		Date:	1 st December 2011 14 th December 2011	
Report of:	Director of Business		Portfolio Holder:	Finance and Resources	
Key Decision:	No – reserved for Full 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 members agree to reinstate the following wording to the Council's Constitution with effect from 28 th March 2012: <i>Employees must declare to the Head of Service or the Chief Executive and update the Register of Officers Interests, maintained by the Director of Business if they have:</i> <ul style="list-style-type: none"> - <i>non-financial interests, membership of organisations or public bodies which may bring them into conflict with the Council's interests. Trade Union membership is exempt from this requirement.</i> (Appendix 1)
1.2	That members agree to make no changes to the Council's Constitution in relation to members questions. (Appendix 2)

2. PURPOSE OF REPORT

2.1 To review sections of the Constitution and make recommendations to Council on any changes required.

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 Officer Code of Conduct

At the Council meeting 28th September members agreed changes to the Officer Code of Conduct but also agreed an additional recommendation as follows:

- *That Trade Union membership would not be exempt from declarations of Personal Interests by Officers.*

- 5.1.1 Following the Council meeting the item was referred back to the Governance Working Group as there is no legal requirement for officers to declare Trade Union membership.
- 5.1.2 The Council is aware who is a Trade Union member as Trade Union subscription is very often paid through payroll but this information is not used for any purpose. Therefore there would be no value in requiring officers to declare this information when it is already held.
- 5.1.3 Data protection rules require that information is only collected and maintained for an appropriate purpose. The Council would need to be able to explain why it was relevant for collection and what was going to be done with the information.
- 5.1.4 As this change was agreed at Council, no changes can be made until the end of March 2012. The Governance Working Group has recommended Council to:
- accept the re-instatement of the wording "*Trade Union membership is exempt from this requirement*" in relation to the officers code of conduct (after the required 6 month period since the original decision was made has expired, that being 28th March 2012).

5.2 Council Procedure Rules – Members Questions.

At the Council meeting on 28th September members agreed changes to the Constitution with the exception of 10.1 which was referred back to the Governance Working Group. The change suggested was as follows:

10.1 Subject to Council Procedure Rule 10.2, a Member of the Council may submit one written question. (*More questions can be submitted but only one will be taken per Member before questions are open to all Members. If there is time, any additional written questions will be returned to otherwise a written response will be given). The written question can be put to:

- The Leader
- A Member of the Cabinet
- The Chairman of any Committee or Sub-Committee
- The Member of the Council appointed to a Joint Authority and nominated as Spokesperson for the Joint Authority.
- The Member of the Council appointed as the Council’s representative on an Outside Body.

The Governance Working Group were asked to consider making an alternative recommendation.

- 5.2.1 The Governance Working Group reviewed the procedure rules for members questions and noted that the current wording was already sufficient in that "*a written question*" can be submitted and that "*The Mayor shall determine the relevance and the number of questions to be put*".
- 5.2.2 Members also noted that where a member had an urgent question on the evening of the meeting, they should consider the process for getting it included on the agenda as an urgent item of business.
- 5.2.3 The Governance Working Group recommend Council to:
- Make no changes to the current wording in relation to members questions as it already states "*a written question*" can be submitted and that "*The Mayor shall determine the relevance and the number of questions to be put*".

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no material 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 The Officer Code of Conduct is included in the Contract of Employment.

9. CONSULTATION CARRIED OUT

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

10. CONCLUSION

10.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

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

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Current Wording

Employees must declare to the Head of Service or the Chief Executive and update the Register of Officers Interests, maintained by the Director of Business if they have:

- *non-financial interests, membership of organisations or public bodies which may bring them into conflict with the Council's interests.*

Proposed amendment from 28th March 2012
– as recommended by the Governance Working Group

Employees must declare to the Head of Service or the Chief Executive and update the Register of Officers Interests, maintained by the Director of Business if they have:

- *non-financial interests, membership of organisations or public bodies which may bring them into conflict with the Council's interests. **Trade Union membership is exempt from this requirement.***

Current Wording

10 **QUESTIONS BY MEMBERS**

10.1 Subject to Council Procedure Rule 10.2, a Member of the Council may put a **written question** to:

The Leader

A Member of the Cabinet

The Chairman of any Committee or Sub-Committee

The Member of the Council appointed to a Joint Authority and nominated as Spokesperson for the Joint Authority.

The Member of the Council appointed as the Council's representative on an Outside Body.

The Question must be on any matter for which the Council has a responsibility or which affects the Borough.

A Member must give at least three clear days notice of the question to Committee and Member Services before the date of the meeting to enable the question to be included in the Council Agenda. Written questions will take priority over verbal questions and will be taken if there is time.

The Mayor shall determine the relevance and the number of Questions to be put.

(Governance Working Group have recommended making no changes to the above wording)