

<b>Subject:</b>	Constitution Review		<b>Status:</b>	For Publication	
<b>Report to:</b>	Governance Working Group Council		<b>Date:</b>	27 <sup>th</sup> June 2012 11 <sup>th</sup> July 2012	
<b>Report of:</b>	Director of Business		<b>Portfolio Holder:</b>	Customer Service, Legal and Licensing	
<b>Key Decision:</b>	No – reserved for Full Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
<b>Community Impact Assessment:</b>	Required:	No	Attached:	No	
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached:	No	
<b>Contact Officer:</b>	Carolyn Sharples		<b>Telephone:</b>	01706 252422	
<b>Email:</b>	<a href="mailto:carolynsharples@rossendalebc.gov.uk">carolynsharples@rossendalebc.gov.uk</a>				

<b>1.</b>	<b>RECOMMENDATION(S)</b>
	<b>That members make the following recommendations to Council:</b>
1.1	That members update the Portfolio Holder job descriptions in part 2 of the Constitution as detailed in Appendix A, as well as amend Part 3 Page 74 to say <i>“There are 6 portfolios”</i> .
1.2	That members amend page 133 as detailed in Appendix B to reflect the appointment of the Leader for a 4 year term and that the Leader is responsible for appointing the Deputy Leader and Cabinet.
1.3	That members amend page 280 (Appendix C) which provides information on the posts which require full Council decision.

## 2. PURPOSE OF REPORT

- 2.1 To consider the recommendations of the Governance Working Group and make changes to the Constitution as 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 Portfolio Holder Job Descriptions

Following the changes to the Portfolio Holder titles and job descriptions, the Constitution requires updating at Part 2 – Article 6.

As it is now the decision of the Leader of the Council to allocate portfolios and their descriptions, Governance Working Group have recommended that the general information on the Leader and the Cabinet members be included in the Constitution, but the Portfolio Holder

Job Descriptions be removed, and a web link included to where the most up to date descriptions can be found. See Appendix A for the amended text.

**5.2 Annual Meeting of the Council – Rules of Procedure**

Page 133 refers to electing the Leader and Deputy Leader at the Annual Meeting. Changes were made to various sections of the Constitution regarding the new governance arrangements following the Council meeting 15<sup>th</sup> December 2010. This section needs amending to reflect that the Leader is elected at the Annual Meeting on a 4 year basis, and that the Leader is responsible for appointing the Deputy Leader and Cabinet. See Appendix B for details.

**5.3 Employment Procedure Rules**

Section 4 and 5 on page 280 set out the appointment of Directors and other appointments. At present these sections of the Constitution are contradictory and do not reflect current practice. The only posts requiring Council ratification are Director posts, in addition to Head of Paid Service, Monitoring Officer and Section 151 Officer positions. These sections require updating to bring in line with the Council’s procedures for appointments. Appendix C details the amended text.

**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 reports.

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

8.1 There are no HR implications arising from the report.

**9. CONSULTATION CARRIED OUT**

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

9.2 Governance Working Group recommendations:

**Portfolio Holder Job Descriptions**

That Governance Working Group recommend Council to include the general Leader and Cabinet information but remove the Portfolio Holder Job Descriptions from the Constitution and provide a web link to the most up to date job descriptions.

**Annual Meeting of the Council – Rules of Procedure**

That Governance Working Group recommend Council to agree the amended wording for page 133.

**Employment Procedure Rules**

That Governance Working Group recommend Council to agree the amended wording for page 280.

**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	<a href="http://www.rossendale.gov.uk/constitution">www.rossendale.gov.uk/constitution</a>

## **ROLE DESCRIPTION**

### **LEADER OF THE COUNCIL**

#### **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.

## **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.
- 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).
- Lead for transport and highways.
- 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 Rossendale Forum
- 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.

### **Portfolio Holder Responsibilities**

Details of the Council's Portfolio Holders can be found here: [\(web link\)](#)

**Page 133 –**

The annual meeting will:

- i) elect a person to preside if the Mayor or Deputy Mayor are not present;
- ii) elect the Chair of Council (Mayor);
- iii) elect the Vice-Chair of Council (Deputy Mayor);
- iv) approve the Minutes of the last meeting;
- v) receive any announcements from the Chair (Mayor) and/or Head of Paid Service
- vi) elect the Leader on a 4 year basis who will appoint and Deputy Leader and Cabinet
- vii) appoint ~~a Cabinet~~, at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate;
- viii) adopt the Constitution, including terms of reference of the Cabinet and the Officer Delegation Scheme
- ix) Approve a programme of ordinary meetings of the Council for the year (if not previously agreed at a meeting of Full Council); and
- x) consider any business set out in the notice convening the meeting;

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#### 4. APPOINTMENT TO DIRECTORS ~~AND HEADS OF SERVICES~~ POSTS

4.1 The Full Council has decided to reserve to itself the approval of the appointment of the Directors ~~and Heads of Service~~ following the recommendation of such an appointment by a Committee or Sub-committee of the Council before an offer of appointment is made to him/her. That Committee or Sub-committee must include at least one Member of the Cabinet.

4.2 An offer of employment as a Directors ~~and Heads of Services~~ or an Officer paid on Directors ~~and Heads of Services~~ grades shall only be made where the procedure set out in Appendix 1 to the Officer Employment Procedure Rules has been completed.

#### 5. OTHER APPOINTMENTS

5.1 ~~Deputy Directors and~~ Heads of Service and Officers below. Appointment of ~~Deputy Directors and~~ Heads of Service and Officers below ~~Deputy Directors and Heads of Services (other than assistants to political groups)~~ is the responsibility of the Head of Paid Service or his or her nominee, and may not be made by Councillors.

~~5.2— Assistants to political groups.  
Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.~~