

<b>Subject:</b>	Review of the Constitution		<b>Status:</b>	For Publication	
<b>Report to:</b>	Governance and Training Working Group Council		<b>Date:</b>	23 <sup>rd</sup> January 2014 26 <sup>th</sup> February 2014	
<b>Report of:</b>	Director of Business		<b>Portfolio Holder:</b>	Customers, Legal and Licensing	
<b>Key Decision:</b>	No - reserved for Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
<b>Equality Impact Assessment:</b>	Required:	No	Attached:	No	
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached:	No	
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1.	<b>RECOMMENDATIONS</b>
	That Council agrees the following amendments to the Constitution:
1.1	<b>Terms of Reference of the Consultation Working Group:</b> Members are asked to include the Terms of Reference of the Consultation Working Group in part 3 of the Constitution and reference to the group at part 2 - 2.06 (see Appendix 1).
1.2	<b>Notices of Motion:</b> Members are asked to amend the Constitution to enable Notices of Motion to be submitted by email.

## 2. PURPOSE OF REPORT

2.1 To consider changes to the Constitution as detailed in the appendices and at section 5.

## 3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following of the Council's corporate priorities:

- Responsive Value for Money Services: This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

## 4. RISK ASSESSMENT IMPLICATIONS

4.1 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.

## 5. BACKGROUND AND OPTIONS

5.1 Members are asked to consider each change and reasons for change as identified below and in the individual appendices.

### 5.2 Terms of Reference of the Consultation Working Group:

At the Cabinet meeting on 23<sup>rd</sup> October it was agreed to establish a Consultation Working Group. At the meeting the Terms of Reference were agreed as attached at Appendix 1. Members are asked to update the Constitution to include the agreed Terms of Reference, and

include reference to the group at part 2 section 2.06.

**5.3 Notices of Motion:**

A review of the procedure for notices of motion has been requested to allow them to be submitted via email rather than having to sign the form. A copy of the amended procedure is attached at Appendix 2.

**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. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

8.1 The Terms of Reference for the Consultation Working Group will ensure that the Council has a robust process in place to fulfil its duty in relation to assets of community value nominations and provision of a wider consultation reference point on council issues.

8.2 There are no human resource implications arising from the report.

8.3 Consultation with Statutory Officers, Legal Officers, Council, Governance and Training Working Group and Committee and Member Services.

8.4 The Governance and Training Working Group met on 23<sup>rd</sup> January and recommended the proposed changes to Council.

**9. CONCLUSION**

9.1 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>

## Part 2: 2.06 Members Working Groups

The Council has established the following Members Working Groups:

- Civic Matters Working Group
- Governance and Training Working Group
- Grants Advisory Group
- Consultation Working Group

## Part 3: Section 11 Working Groups

### TERMS OF REFERENCE FOR THE CONSULTATION WORKING GROUP

The Consultation Working Group (CWG) has two primary functions:

1. To act as a wider consultation reference group on range of council related issues.
2. To act as the mechanism through which assets of community value nominations are reviewed and decided upon.

The Consultation Working Group will meet once at the start of each year for training purposes and to agree a chairperson.

The CWG will meet in person for the purposes of reviewing assets of community value nominations. For all other consultation purposes the CWG will operate on a virtual basis, unless otherwise deemed necessary. This is to ensure the best use of councillor and officer time. This means that wider consultation material will be circulated via email and responses will be collated via email by a given deadline.

Confidential material for assets of community value nominations will be circulated prior to scheduled meetings.

In terms of decision making, the decision of the group will be made according to the majority view once the deadline for responses is reached, or normal procedures will apply for instances where there is an even split of opinion (chair's second/casting vote).

Substitutes may be provided for this group by notifying Committee and Member Services if any of the following apply:

- There is a conflict of interest.
- Cover for absence.
- Another member has more specialist knowledge of the consultation topic.

Number of Councillors: 7

Quorum (for responses): 3

Terms of Reference:

- To consider consultations received by the Council.
- To provide feedback on consultations received by the Council.
- To consider and determine Community Right to Bid nominations and provide feedback/reasons for decision to any nominating groups.

## Part 4

### 11 NOTICES OF MOTION AT COUNCIL

#### 11.1 Notice

Except for motions which can be moved without notice under rule 12, written notices of motion can be submitted to the Chief Executive for inclusion on the Council agenda as follows:

- Notification of a Notice of Motion must be received at least 11 clear working days prior to the meeting.
- The Notice of Motion ~~Form~~ must be ~~completed and~~ signed by at least 2 members (email confirmation will suffice) and be with the Chief Executive at least 5 clear working days prior to the meeting if it is to be included on the Council agenda.
- The Notice of Motion must be verified as valid by the S151 Officer, Monitoring Officer and Chief Executive before it is included on the Council agenda.  
(see 11.3 for the scope of motions)

#### 11.2 Motion Set Out in Agenda

Motions or a topic for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notices states, in writing, that they propose to move it to a later meeting or withdraw it.

#### 11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough.