

Subject:	Constitution Review		Status:	For Publication	
Report to:	Governance and Training Working Group Council		Date:	6 th March 2014 26 th March 2014	
Report of:	Director of Business		Portfolio Holder:	Customers, Legal and Licensing	
Key Decision:	No - reserved for Council	Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
Equality Impact Assessment:		Required:	No	Attached:	No
Biodiversity Impact Assessment		Required:	No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	To change to one overview and scrutiny committee which will deal with policy, performance and the scrutiny of partner organisations, the committee will be called Overview and Scrutiny Committee. The committee would comprise of 11 members and 2 co-opted members.
1.2	To note that the Council amalgamated with, Burnley & Pendle Borough Councils to form one Community Safety Steering Group, to provide support, advice and direction to District community safety delivery forums.
1.3	To merge Governance and Training Working Group with the Civic Matters Working Group and it will be called Governance Working Group.
1.4	That the changes detailed in the report commence from May 2014.
1.5	To agree the amended terms of reference and delegations (Appendix A and B) and update the Council's Constitution with the required changes.
1.6	To amend the Standing Orders for Council Meetings to include having a recorded vote for the setting of the Council budget and Council Tax as detailed at Appendix C.

2. PURPOSE OF REPORT

- 2.1 To review proposed changes to the committees and working groups within the Council, and to include a recorded vote for setting of the Council budget and Council Tax at the Council's budget setting meeting.
- 2.2 To create additional savings to the Council's budget.
- 2.3 To comply with new legislation introduced on 25th February 2014.

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(s) in this report involve risk considerations as set out below:

- Ensuring there are enough overview and scrutiny committee meetings to accommodate the required workloads.
- Ensuring decision making processes are set out clearly in the Council's Constitution.

5. BACKGROUND AND OPTIONS

5.1 CHANGES TO COMMITTEES AND WORKING GROUPS

5.2 Overview and Scrutiny

There are currently 2 Overview and Scrutiny Committees (O&S), Corporate O&S and Partner O&S.

5.3 Corporate O&S looks primarily at performance monitoring via the quarterly reports, and the development/amendment of Council policies. Corporate O&S currently meets 6 times a year.

5.4 Partner O&S looks at services delivered by partner organisations and currently meets 4 times a year.

5.5 In relation to partner scrutiny, legislation states the O&S committee must monitor the Community Safety Partnership at least once a year (this is tabled for each November). Other partners that the Council is required to monitor are partners delivering services on behalf of the Council e.g. Capita, Greenvale Homes/Together Housing, Rosso Transport, Rossendale Leisure Trust etc.

5.6 It is proposed to merge Corporate O&S with Partner O&S and create one committee which will deal with partners, policy and performance.

5.7 It is proposed to keep the 10 scheduled meetings a year but rename it the Overview and Scrutiny Committee.

5.8 The proposed change will require the Constitution to be updated in the relevant sections. These changes have been identified in Appendix A.

5.9 This change will make a cost saving in relation to Member Allowances as only one special responsibility allowance will be required, making a saving of £3342 a year.

5.10 Community Safety Steering Group

Under Schedule 11 (Section 5A) of the Police Reform & Social Responsibility Act 2011 Burnley and Rossendale Community Safety Partnerships are seeking to enter into a combination agreement to integrate the roles, responsibilities and functions of a joint crime and disorder committee, formalising the current arrangements.

5.11 The new combined Community Safety Partnership will carry out the following statutory requirements as prescribed within the Police and Justice Act 2006.

- All crime and disorder functions conferred by or under section 6 of the Crime and Disorder Act 1998 (c. 37) (formulation and implementation of crime and disorder strategies);
- All executive arrangements under Part 2 of the Local Government Act 2000;

The agreed combination of the strategic function of the Community Safety Partnerships will allow greater capabilities and scope to reducing crime and disorder.

Burnley and Rossendale, along with the Pendle Community Safety Partnership, as members of the Pennine Community Safety Steering Group, have agreed the following Strategic Priorities;

- Substance Misuse as a cause and contributory factor to crime
- Child Sexual Exploitation
- Anti-Social Behaviour
- Reduce Reoffending
- Violent Crime including Domestic Violence
- Road Safety

5.12 The new arrangements will provide opportunities for more effective, efficient working and secure co-operation between responsible authorities for the area by the production of an agreed Partnership Plan, which will also compliment and support the aims and objectives of the Police and Crime Commissioner's Plan.

5.13 Governance and Training Working Group and Civic Matters Working Group

The Governance and Training Working Group currently meets four times a year to deal with member training matters and Constitution changes, and the Civic Matters Working Group meets in June and December (with additional meetings as required) to deal with the Mayoralty and changes to the Civic Protocol.

5.14 It is proposed to merge these two working groups and name it the Governance Working Group.

5.15 It is proposed to add to the Governance terms of reference that the Leader of the Council can refer civic items to the Governance Working Group for consultation.

5.16 It is also proposed to delegate all changes to the Mayoralty and the Civic Protocol to the Leader of the Council.

5.17 The proposed change will require the Constitution to be updated in the relevant sections. These changes have been identified in Appendix B.

5.18 CHANGES TO STANDING ORDERS FOR COUNCIL MEETINGS

5.19 The Department for Communities and Local Government has issued a letter to each Council to inform of new legislation coming into effect regarding recorded votes at Council budget setting meetings. *The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014*, which were laid before Parliament on 31st January 2014 are due to come into force on 25th February 2014.

5.20 The new legislation will make it a requirement for Councils to record votes at the budget setting meeting on any key decision relating to the budget or council tax.

5.21 The regulations also make it mandatory for each Council to amend their Standing Orders at the earliest opportunity after coming into force.

5.22 Members are asked to amend the Council Standing Orders to include this new provision as detailed in Appendix C.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 Financial implications are noted in paragraph 5.9.

7. MONITORING OFFICER

7.1 Included within the report

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 This report is not proposing new services, policies, strategies, or plans (or significant changes to or reviews of them). It does not propose decisions about budget cuts or service changes/reductions. It is determined therefore, that the changes proposed in this report are unlikely to have any adverse impacts under the Council's Equality Policy or associated equality duties, and has not been assessed for equalities impacts.

8.2 No HR implications arising from this report.

8.3 Consultation carried out with Governance and Training Working Group, Portfolio Holder, Committee and Member Services, and Legal Services.

8.4 The Governance and Training Working Group agreed for the recommendations of the report to go to Council with the addition of "*The committee would comprise of 11 members and 2 co-opted members.*" At recommendation 1.1 in relation to the Overview and Scrutiny Committee.

9. CONCLUSION

9.1 The Council is again facing a significant financial challenge over the medium term. The review and rationalisation will assist the Council in realising some of its financial savings target.

9.2 The voting procedure changes proposed in this report enable the Council to comply with new legislation.

Background Papers

Document	Place of Inspection
The Constitution of the Council	www.rossendale.gov.uk/constitution
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014	www.legislation.gov.uk/ukSI/2014/165/contents/made

Part 1: 1.7 Overview and Scrutiny

~~There are two~~ Overview and Scrutiny Committees ~~which~~ supports the work of the Cabinet, and the Council as a whole. ~~Corporate Overview and Scrutiny Committee~~
The committee deals with Council policy and performance matters and ~~Partner Overview and Scrutiny~~ deals with the scrutiny of the Council's external partners who deliver services to citizens of the borough. The committees ~~are~~ is accountable to Full Council. ~~They~~ It allows citizens to have a greater say in Council matters by discussing matters of local interest. This can lead to reports and recommendations which advise the Cabinet, other Committees and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committees ~~s~~ also monitor s the decisions of the Cabinet and other Council committees. Members can "call-in" a Cabinet decision which has been made but not yet implemented. This enables them to consider whether the decision is appropriate. The Committees ~~s~~ may recommend that the Cabinet or Full Council should reconsider the decision, and may also be consulted by the Cabinet and other Committees on forthcoming decisions and the development of policy. Another of their functions is to support the Cabinet in ensuring that the Council complies with its duties of best value and value for money. They have a key role to play in promoting and monitoring good performance management throughout the Council.

Part 2: ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEES

7.01 Appointment, Membership and Terms of Reference

The Council will appoint:

One ~~Corporate~~ Overview and Scrutiny Committee (~~117~~ Members) plus ~~one~~ two co-opted Members s.

~~One Partner Overview and Scrutiny Committee (7 Members) plus one co-opted Member.~~

The Overview and Scrutiny Committees ~~s~~ will be politically balanced. Members of the Cabinet are excluded from membership of the Overview and Scrutiny Committees ~~s~~. The Overview and Scrutiny Committees ~~s~~ may also appoint people who are not Members of the Authority in a non voting capacity.

The Overview and Scrutiny Committees ~~s~~ will be responsible for discharging functions conferred by Section 21 of the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 and Regulations under Section 32 of the Local Government Act 2000.

Members of Overview and Scrutiny may act as substitutes on the Audit and Accounts Committee.

7.02 General Role

Within their terms of reference the Overview and Scrutiny Committees ~~s~~ will:

- i) Review and or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

- ii) Make reports and/or recommendations to the Council and/or its Cabinet and other Committees and/or any Joint Committee in connection with the discharge of any functions and/or any other partner organisation;
- iii) Consider any matter affecting the area;
- iv) Consider/determine called in decisions of the Cabinet in accordance with the “Call-in” Procedure set out in the Procedure Rules within this Constitution; (with members of the Overview and Scrutiny Committees being treated as a pool, with a politically balanced panel of 5 Members, to consider each Call-in, usually chaired by the Chair of the ~~Corporate~~-Overview and Scrutiny Committee (Members requesting the Call-in would be unable to sit on the particular panel).

7.03 Finance

The Budget for ~~these~~ this Committees will be held by the Director of Business.

7.04 Annual Report

The Overview and Scrutiny Committees will report annually to the Council on their workings.

Part 3:

6.1 TERMS OF REFERENCE OF THE ~~CORPORATE~~—OVERVIEW AND SCRUTINY COMMITTEE

- To consider any scrutiny forms that are received and determine the appropriate course of action
- To consider work programme requests and agree the work programme
- To conduct research, undertake community and other consultation in the analysis of policy issues and possible options
- To question and gather evidence from any person (with his or her consent)
- To receive consultation documents as appropriate and agree a small response group to reply to specific documents, as necessary
- To make recommendations to the Cabinet, Council and other organisations where appropriate
- To produce an Annual Report
- To develop and review such policy matters as it sees fit
- To consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- To question members of the Cabinet and/or Committees and or Officers about their views on issues and proposals affecting the area
- To monitor existing Council policies to ensure recommendations are being implemented
- To monitor the Forward Plan and agree those policies to be scrutinised prior to decision by Cabinet/Full Council
- To monitor complaints handling
- To monitor Ombudsman Complaints
- To monitor and scrutinise National Indicators and other performance targets, Service Improvement Plans and policy objectives

Appendix A

- To consider and monitor the performance of the Cabinet and other Council Committees and Officers, as appropriate
- To assist the Council and the Cabinet in the Budget and Policy Frameworks
- To consider budget options as part of the budget consultation process
- To consider the Corporate Plan and make recommendations on the plan to the Cabinet
- To scrutinise decisions made by the Cabinet and other Council Committees and Officers
- To question members of the Cabinet and Chairs of Committees, Chief Officers and Head of Service about their decisions and performance
- To set up Task and Finish Groups; with a maximum of two such groups operating at any one time; and to agree terms of reference and project plans before work starts
- To consider final reports from the Task and Finish Groups
- To deal with any relevant Councillor Call for Action requests and determine the appropriate course of action
- Scrutinise decisions referred to it under the 'Call-in Procedure'
- Review and scrutinise the performance of other public bodies whose operations affect the area and invite reports from them or request them to address the Overview and Scrutiny Committee and local people about their activities and performance
- To liaise with external organisations whose operations affect the area to ensure that the interests of local people are enhanced by collaborative working
- To receive presentations from external organisations and partners
- To scrutinise the Community Safety Partnership and to act as the Council's Crime & Disorder Committee
- To oversee, monitor and respond to progress reports on Leisure.
- To monitor the revised funding and legal agreement agreed with Rossendale Leisure Trust and receive financial/performance monitoring reports on a facility by facility basis.

~~6.2 TERMS OF REFERENCE OF THE PARTNER OVERVIEW AND SCRUTINY COMMITTEE~~

- ~~• To consider work programme requests and agree the work programme~~
- ~~• To question and gather evidence from any person (with his or her consent)~~
- ~~• To conduct research, undertake community and other consultation in the analysis of policy issues and possible options~~
- ~~• To make recommendations to the Cabinet, Council and other organisations where appropriate~~
- ~~• To produce an Annual Report~~
- ~~• To receive consultation documents as appropriate and agree a small response group to reply to specific documents, as necessary~~
- ~~• To set up Task and Finish Groups; with a maximum of two such groups operating at any one time between the Overview and Scrutiny~~

Appendix A

~~Committees; and to agree terms of reference and project plans before work starts~~

- ~~• To consider final reports from the Task and Finish Groups~~
- ~~• Review and scrutinise the performance of other public bodies whose operations affect the area and invite reports from them or request them to address the Partner Overview and Scrutiny Committee and local people about their activities and performance~~
- ~~• To liaise with external organisations whose operations affect the area to ensure that the interests of local people are enhanced by collaborative working~~
- ~~• To receive presentations from external organisations and partners~~
- ~~• To scrutinise the Crime and Disorder Reduction Partnership and to act as the Council's Crime & Disorder Committee~~
- ~~• To oversee, monitor and respond to progress reports on Leisure.~~
- ~~• To monitor the revised funding and legal agreement agreed with Rossendale Leisure Trust and receive financial/performance monitoring reports on a facility by facility basis.~~

Part 4:

Introduction

The Council will have ~~two~~an Overview and Scrutiny Committees: ~~the Corporate Overview and Scrutiny Committee and the Partner and Overview Scrutiny Committee. Their~~Its functions are set out in the Terms of Reference part of this Constitution (Part 3).

The Overview and Scrutiny Committees may, after consulting appropriate interested parties, appoint Task and Finish Groups.

The Council will establish and maintain a "Scrutiny Pack" which will contain details of additional procedures to be followed in carrying out the functions of the Committees.

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

The total number of Councillors on, the quorum and Terms of Reference of each Members Working Group are set out in Part 3 of the Constitution.

Part 3:

Addition to the Terms of Reference of the Cabinet page 46

Decisions delegated to the Leader of the Council

The Leader of the Council is able to refer any civic matter to the Governance Working Group for consultation and has delegated authority to make decisions on civic matters including:

- To agree and make changes to the Mayoralty.
- 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.

11. WORKING GROUPS

GOVERNANCE ~~AND TRAINING~~ WORKING GROUP (with effect from May 201~~4~~3)

Number of Councillors: 7
Quorum: 3

Terms of Reference

- To monitor and review the Constitution and make recommendations on proposed amendments to Full Council.
- To recommend improvements to Full Council resulting in a strong governance framework to ensure that ethical governance arrangements are appropriate and sufficiently robust.
- Maintaining an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and Codes of Conduct.
- To provide strategic direction to formulate, implement, monitor and evaluate member development.
- To monitor strategically and to prioritise development plan activities.
- To monitor strategically the member development budget.
- To review strategically training outcomes.
- To ensure link to Council aims, priorities and objectives.
- To maintain the Member Development Charter
- To develop the Elected Member Development Programme.

- To promote development opportunities.
- To ensure cross-party communication.
- To share learning best practice.
- To ensure and promote equality and accessibility.
- To promote diversity.
- To demonstrate continuous improvement.
- To identify learning objectives.
- To agree the Induction Programme.
- To promote the Protocol on Member/Officers Relations
- Assisting Councillors and Co-opted Members to observe the Members' Code of Conduct
- Arranging training for Councillors and Co-opted Members on matters relating to the Members Code of Conduct
- Oversee the programme of Member Development Events
- Produce an Annual Training Programme
- Produce a Training and Development Strategy
- To provide feedback to the Leader of the Council on any civic matters referred for consultation purposes.

~~CIVIC MATTERS WORKING GROUP~~

~~(To be politically balanced and not include the Mayor or Deputy Mayor)~~

~~Number of Councillors: 7~~

~~Quorum: 3~~

~~Terms of Reference:~~

- ~~• To agree and make changes to the Mayoralty~~
- ~~• 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~~

Part 4:

16 VOTING

16.1 Majority

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 Chair's Casting Vote

If there are equal numbers of votes for and against, the person presiding at the meeting will have a second or casting vote. There will be no restriction on how the person presiding at the meeting chooses to exercise a casting vote.

16.3 Show of Hands

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Mayor will take the vote by Members by a show of hands or if there is no dissent, by the affirmation of the meeting.

16.4 Ballots

The vote will take place by ballot if a majority of those Members voting and present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

16.5 Recorded Vote

If 3 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes. A demand for a recorded vote will override a demand for a ballot.

16.6 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

16.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

16.8 Recorded Vote for Budget Setting and Council Tax

A recorded vote will be taken at the Council budget setting meeting on any decision relating to the budget or council tax.