

Subject:	Constitution Review		Status:	For Publication	
Report to:	Governance Working Group Council		Date:	21 st January 2016 24 th February 2016	
Report of:	Monitoring Officer		Portfolio Holder:	Legal and Democratic Services	
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.	RECOMMENDATIONS
1.1	<p>That Council agree to make the following amendments to the Constitution:</p> <ul style="list-style-type: none"> Amend the Licensing and Enforcement Delegations as detailed in Appendix A with the inclusion of the Intended Use Policy delegations (should the policy be approved by Council in February). Amend the Code of Conduct for Members' as detailed in Appendix B. Formalise the Local Plan Steering Group and amend part 3 section 11 to include its terms of reference as detailed in Appendix C.

2. PURPOSE OF REPORT

- 2.1 To consider amendments to the Licensing and Enforcement Delegations as detailed in Appendix A and include reference to the agreed delegations within the Council's Constitution.
- 2.2 To consider changes to the Constitution as detailed in Appendix B with regards to the Code of Conduct for Members'.
- 2.3 To consider whether to give the Local Plan Steering Group decision making powers and include its terms of reference in the Constitution as detailed at 5.15 and Appendix C.

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

Part 3 Page 74 – Licensing and Enforcement Manager - Delegations

- 5.1 The dealing of matters relating to Hackney Carriage Drivers and Vehicles, Private Hire

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Operators Drivers and Vehicles is currently delegated to the Licensing Committee under the Terms of Reference of the Constitution. From there certain matters have been delegated to officers within the Licensing and Enforcement Unit as set out in Appendix A. It would be prudent to ensure that the current practice is reflected in the Council's constitution.

5.2 New Delegations following review

The Licensing and Enforcement Manager may receive information following a drivers arrest for a serious offence involving matters of a sexual nature, serious violence, drugs offences or serious motoring offences which are so serious a licence may be revoked. In these circumstances it is in the interests of expediency and to ensure public safety, to delegate authority to the Licensing and Enforcement Manager following consultation with the Chair or Vice Chair of the Licensing Committee (unless out of hours) to revoke the hackney carriage or private hire driver licence.

5.3 Furthermore, the Licensing and Enforcement Manager has delegated authority to grant a hackney carriage or private hire driver licence unless convictions, cautions, warnings, ASBO's, bind-overs or other information is disclosed in line with the Council's guidelines on such matters, which in the opinion of the Licensing and Enforcement Manager should be referred to the Licensing Sub-Committee for consideration.

There are however cases where the applicant only just falls within the timescales offered in the Guideline for Convictions and it could be possible that the Sub-committee would, and after careful consideration of all the facts, grant the licence due to the likelihood of success for an applicant that exercises their right of appeal to the Magistrate's Court. An example of this would be where an applicant has a conviction which would be subject to a 2 years cooling off period under Council guidelines and at the date of consideration only 22 months has elapsed but by the time the matter went before the Courts the full 2 years will have been surpassed. Each case would of course be considered on its merits particularly as the timescales laid down are only Guidelines to assist in the determination as to whether a person is a fit and proper person. In such circumstance it would be practical to give the Licensing and Enforcement Manager the discretion to grant those licences in consultation with the Chair or Vice Chair of the Licensing Committee.

5.4 Members are asked to consider changes to the Licensing and Enforcement Delegations as detailed in Appendix A and seek to include reference to the delegations within the Council's Constitution, as detailed at Appendix A(i).

5.5 In addition to the above, a report will be going to the Licensing Committee in January and subject to approval to Council in February relating to the Intended Use Policy. Should the policy be approved, a reference to the additional delegations would also need to be included in the Council's Constitution. Therefore, members were asked to consider recommending the inclusion of this additional information should the policy be agreed at the February meeting.

Part 5 Pages 213-220 – Code of Conduct for Members'

5.6 The current Code of Conduct for Members' was approved by Council on 11th July 2012 following legislation changes introduced in the Localism Act 2011.

5.7 No further changes have been made, however, the Council is currently reviewing the Code of Conduct and considering amendments to ensure there is further clarity relating specifically to declarations of interests.

- 5.8 The amendments detailed in Appendix B provide more detail and explanation regarding members' responsibilities in relation to their conduct and declaring relevant interests.
- 5.9 The existing wording on the first 5 pages has been revised with minor amendments in order to make it clear that members are required to comply with these sections of the Code of Conduct.
- 5.10 The remainder of the document contains additional information, explanations and examples, where it has been identified that these are needed, specifically in relation to the meaning of pecuniary and non-pecuniary interests and the definition of the terms being used.
- 5.11 Furthermore, 1.7 on page 219 specifies clearly what would be classed as a criminal offence according to the Regulations of the Localism Act 2011.

Part 3 Page 48 – Local Plan Steering Group

- 5.12 The Local Plan Steering Group was established approximately eight years ago to provide member input into the preparation of the Core Strategy. It is a cross party group of seven members with the composition of the group reflecting the political make-up of the Council. It currently consists of four Labour members, two Conservative and one independent. Individual nominations to the group are made by the relevant party leaders. The Portfolio Holder for Operational Services and Development Control has historically been a member of the group, with the Chair of Development Control also currently represented.
- 5.13 The Steering Group has provided valuable input to officers on the preparation of both the adopted Core Strategy and the emerging Site Allocations and Development Management DPD. It also acts as a conduit of information on the Local Plan for other members as group members feed back to their individual groups.
- 5.14 The group currently operates in a purely advisory role and has no formal Terms of Reference. Meetings are held on an "as required" basis and are minuted. As part of ongoing work on the Local Plan, the Council recently commissioned the Planning Advisory Service to provide independent advice on how the Plan preparation process could be effectively managed. One of the main recommendations of the Report was that the Local Plan Steering Group should be given a more formal and structured role and take greater "ownership" of the preparation of the Plan. It was considered that such Member involvement would also reduce the risk of the Plan being rejected by wider Council at key stages of its production.
- 5.15 If the Local Plan Steering Group is to undertake a more robust role in plan preparation and provide stronger leadership and scrutiny it will require that the "Terms of Reference" are formalised, clearly setting out what powers it is to have. This will require changes to the Constitution. At a meeting on December 14th members of the Steering Group indicated that they would like powers to advise officers on the final content of consultation documents before they were taken to Full Council for ratification. They would also welcome the opportunity to comment on Government and other consultations.
- 5.16 It is recommended that the Local Plan Steering Group be formally established as a decision making body of the Council. The following Terms of Reference are proposed:

Composition

- That membership of the Local Plan Steering Group should be based on the political balance of the Council

- The composition of the Group should include the Portfolio Holder covering Planning and the Chair of Development Control Committee

Responsibilities

- To make recommendations on the content of the Local Plan to officers prior to consideration of the Plan by Council
- To act as a mechanism for keeping members of political parties informed of progress in Local Plan preparation including through circulation of minutes
- To consider the appropriateness of the evidence base and to provide comments as necessary on particular documents
- To provide member input to comments made on behalf of the Council to Government, statutory bodies and neighbouring authorities on planning issues
- Any other matters as may be necessary to require the effective and timely preparation of the Local Plan

5.17 The last bullet of the proposed Terms of Reference has been included in order to provide flexibility to the future operation of the group.

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 Consultation with Statutory Officers, Legal Officers, Committee and Member Services and the Governance Working Group.

8.2 The Governance Working Group considered this report on 21st January 2016 and made the following recommendations to Council:

- Amend the Licensing and Enforcement Delegations as detailed in Appendix A with the inclusion of the Intended Use Policy delegations (should the policy be approved by Council in February).
- Amend the Code of Conduct for Members' as detailed in Appendix B.
- Formalise the Local Plan Steering Group and amend part 3 section 11 to include its terms of reference as detailed in Appendix C.

8.2 In relation to the licensing delegations, consultation has been undertaken with Portfolio Holder for Legal and Democratic Services, Chair of Licensing and the Licensing Committee. The Licensing Committee considered this report on 10th September 2015 and agreed the following:

1. That the licensing and enforcement delegations outlined in Appendix A of the report be recommended to the Governance Working Group for inclusion within the Council's Constitution.
2. That where wording within the delegations referred to "extend" (a licence) this would be changed to "renew".
3. That the delegation relating to the Intended Use Policy would be removed from Appendix A of the current report as the policy was not currently in place. The delegation would be included for consideration in a future report determining if and when the Intended Use Policy is to be implemented.

- 8.3 In addition to the above, the following was recommended to Council by the Licensing Committee on 25th January 2016 in relation to the Hackney Carriage Intended Use Policy:
1. That Council are recommended to adopt the Hackney Carriage Intended Use Policy.
 2. That Council recommend that all future amendments to the Hackney Carriage Intended Use Policy are delegated to the Licensing Committee.

8.4 There are no additional policy or HR implications.

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	www.rossendale.gov.uk/constitution
Licensing Report 10 th September 2015 – item B2	http://www.rossendale.gov.uk/meetings/meeting/932/licensing_committee

APPENDIX A

The Licensing Authority will exercise and delegate functions in accordance with this table.

Column A	Column B	Column C	Column D
Licensing Function	Sub Function	Delegated Officers	Limitations
Private Hire Licences	New Driver's Licence or Renewal	Licensing and Enforcement Manager	<p>Unless convictions, cautions, warnings, ASBO's, bind-overs or other information is disclosed in line with the Councils guidelines on such matters which in the opinion of a Licensing and Enforcement Manager should be referred to the Licensing Sub-Committee for consideration.</p> <p>In cases where the applicant is just within the policy and it is likely that the sub-committee would grant the licence, the Licensing and Enforcement Manager has the discretion to grant those licences in consultation with the Chair or Vice Chair of the Licensing Committee.</p> <p>This does not prevent an Officer of the rank Licensing & Enforcement Manager or above refusing an application on the following grounds:- (a) the applicant has failed to pass the prescribed written or driven test.</p>

APPENDIX A

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Column A	Column B	Column C	Column D
Licensing Function	Sub Function	Delegated Officers	Limitations
			(b) the applicant has a relevant conviction(s) for a violent, dishonest, licensing, sexual, drugs related or motoring offence which the guidelines state may result in a refusal.
	Decision not to renew a drivers licence pending a hearing following an application to renew where the applicants newly notified conviction is so serious that a hearing may refuse the application.	Licensing and Enforcement Manager	None
	Review of a Driver's Licence	None	All Cases are Referred to the Licensing Sub-Committee
	New Operator's Licence / Renewal	Licensing and Enforcement Manager	Unless unspent convictions are disclosed which in the opinion of a Licensing and Enforcement Manager would deem the applicant not to be fit and proper to hold a licence in which case the matter should be referred to the Licensing Sub-Committee.
	Variation of standard operator conditions	Licensing and Enforcement Manager	None
	Review of a Operator's Licence	None	All Cases are Referred to the Licensing Sub-Committee
	Grant of a new Vehicle Licence with standard conditions	Licensing and Enforcement Manager	None

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Column A	Column B	Column C	Column D
Licensing Function	Sub Function	Delegated Officers	Limitations
	Grant of an application to renew a Vehicle Licence	Licensing and Enforcement Manager	None
	Refusal to grant a Vehicle Licence or renewal based on a request to vary standard conditions or it is not in line with council policy or the vehicle is not fit to be licensed.	Licensing and Enforcement Manager	None
	Transfer of owner	Licensing and Enforcement Manager	None
	Change of Vehicle	Licensing and Enforcement Manager	None
	Suspension of vehicle licence	Licensing and Enforcement Manager	None
	Suspension of drivers licence (offences, investigations and conduct)	Licensing and Enforcement Manager following consultation with the Chair or Vice Chair of the Licensing Committee unless out of hours.	Officer may suspend such licence with immediate effect until such time that the matter is considered by the Licensing Sub-Committee.
	Suspension of drivers licence (medical grounds)	Licensing and Enforcement Manager	A licence may be suspended where there is concern about the drivers' ability to drive a vehicle on medical grounds or where a driver refuses to submit a medical. A suspension may be granted and lifted.
	Review of a Vehicle Licence	None	All Cases are Referred to the Licensing Sub-Committee.
	Revocation of driver or vehicle	Licensing and Enforcement	None

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Column A	Column B	Column C	Column D
Licensing Function	Sub Function	Delegated Officers	Limitations
	licence where applicant made false declaration and had no right to hold such a licence	Manager	
	Revocation of driver licence	Licensing and Enforcement Manager following consultation with the Chair or Vice Chair of the Licensing Committee unless out of hours.	Following a drivers arrest for a serious offence involving matters of a sexual nature, serious violence, drugs offences or serious motoring offence which are so serious a licence may be revoked.
Hackney Carriage Licence	New Driver's Licence or renewal	Licensing and Enforcement Manager	<p>Unless convictions, cautions, warnings, ASBO's, bind-overs or other information is disclosed in line with the Councils guidelines on such matters which in the opinion of a Licensing and Enforcement Manager should be referred to the Licensing Sub-Committee for consideration.</p> <p>In cases where the applicant is just within the policy and it is likely that the sub-committee would grant the licence, the Licensing and Enforcement Manager has the discretion to grant those licences in consultation with the Monitoring Officer.</p>

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Column A	Column B	Column C	Column D
Licensing Function	Sub Function	Delegated Officers	Limitations
			<p>This does not prevent the Licensing & Enforcement Manager or above refusing an application on the following grounds:-</p> <p>(a) the applicant has failed to pass the prescribed written or driven test.</p> <p>(b) the applicant has a relevant conviction(s) for a violent, dishonest, licensing, sexual, drugs related or motoring offence which the guidelines state may result in a refusal.</p>
	<p>Decision not to renew a licence pending a hearing following an application to renew where the applicants newly notified conviction is so serious that a hearing may refuse the application.</p>	<p>Licensing and Enforcement Manager</p>	<p>None</p>
	<p>Decision not to renew a drivers licence pending a hearing following an application to renew where the applicants newly notified conviction is so serious that a hearing may refuse the application.</p>	<p>Licensing and Enforcement Manager</p>	<p>None</p>
	<p>Review of a Driver's Licence</p>	<p>None</p>	<p>All Cases are Referred to the Licensing Sub-Committee</p>

APPENDIX A

The Licensing Authority will exercise and delegate functions in accordance with this table.

Column A	Column B	Column C	Column D
Licensing Function	Sub Function	Delegated Officers	Limitations
	New Vehicle Licence with standard conditions	Licensing and Enforcement Manager	None
	Renewal of a Vehicle Licence with standard conditions	Licensing and Enforcement Manager	None
	Refusal to grant a Vehicle Licence or renewal based on a request to vary standard conditions or it is not in line with council policy or the vehicle is not fit to be licensed.	Licensing and Enforcement Manager	None
	Review of a Vehicle Licence	None	All Cases are Referred to the Licensing Sub-Committee
	Suspension of a Hackney Carriage	Licensing and Enforcement Manager	None
	Suspension of Drivers Licence (offences, investigations and conduct)	Licensing and Enforcement Manager following consultation with the Chair or Vice Chair of the Licensing Committee unless out of hours.	Licensing and Enforcement Manager may suspend such licence with immediate effect until such time that the matter is considered by the Licensing Sub-Committee.
	Suspension of drivers licence (medical grounds)	Licensing and Enforcement Manager	A licence may be suspended where there is concern about the drivers' ability to drive a vehicle on medical grounds or where a driver refuses to submit a medical. A suspension may be granted and lifted.
	Transfer of owner	Licensing and Enforcement Manager	None

APPENDIX A

The Licensing Authority will exercise and delegate functions in accordance with this table.

Column A	Column B	Column C	Column D
Licensing Function	Sub Function	Delegated Officers	Limitations
	Change of Vehicle	Licensing and Enforcement Manager	None
	Refusal to grant a Vehicle Licence or renewal based on a request to vary standard conditions or it is not in line with council policy or the vehicle is not fit to be licensed.	Licensing and Enforcement Manager	None
	Revocation of driver or vehicle licence where applicant made false declaration and had no right to hold such a licence	Licensing and Enforcement Manager	None
	Revocation of a driver licence	Licensing and Enforcement Manager following consultation with the Chair or Vice Chair of the Licensing Committee unless out of hours.	Following a drivers arrest for a serious offence involving matters of a sexual nature, serious violence, drugs offences or serious motoring offence which are so serious a licence may be revoked.
NB – PROPOSED IN THE EVENT OF INTENDED USE POLICY BEING ADOPTED	Refusal of an application for the grant, renewal, transfer or new owner application on the grounds that the vehicle is not to be predominantly used in the Borough in line with the Council's Intended 'Use' Policy.	Licensing and Enforcement Manager following consultation with the Chair or Vice Chair of the Licensing Committee.	None

12. Licensing and Enforcement Manager

The Licensing and Enforcement Manager has delegated authority in relation to:

Street Trading

- a) Refuse the application when a valid objection is deemed to have been received, in consultation with the Chair of the Licensing Committee.
- b) Grant an application where no objections are received.
- c) Decide the extent of consultation for each application.
- d) Issue Consent to the Organiser of an event which is run on a non-profit making basis to enable the Organiser in turn to allow trading on a specific site.
- e) Consult with Ward Councillors on static consent's, and they will be given 3 working days to respond.

Licensing Act 2003

The licensing authority will exercise and delegate functions in accordance with Appendix 1 – Table of exercise and delegation of functions – as listed in the Statement of Licensing Policy.

Gambling Act 2005

The licensing authority will exercise and delegate functions in accordance with Appendix B – Summary of licensing authority delegations permitted – as listed in the Statement of Principles.

Policy for the Licensing of:

Hackney Carriage Drivers and Vehicles

Private Hire Operators Drivers and Vehicles

Hackney Carriage Intended 'Use' Policy

The licensing authority will exercise and delegate functions in accordance with the approved Officer Authorisation List.

The Code of Conduct for Members of Rossendale Borough Council

~~Prepared pursuant to Chapter 7 of the Localism Act 2011 Members are required to discharge their obligations to the Authority in accordance with Chapter 7 of the Localism Act 2011.~~

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
 - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

II. Scope of the Code

2. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the Chair
4. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Authority, specifically
 - the Protocol on Member and Officer Relations;
 - the Protocol on use of IT and equipment;
 - the Members' Planning Code; and
 - the Guidance for Members' on Licensing.

III. Public Duties of Members

5. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.
6. Members have an overriding duty to act in the interests of the Borough Authority's area as a whole, but also have a special duty to represent the views of the residents and communities of their ward/division.

IV. General Principles of Conduct

7. ~~In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.~~

As a member or co-opted member of Rossendale Borough Council you will be expected to observe the following rules and general principles of conduct. These principles will be taken into consideration when any allegation is received in relation to breaches of the Code.

Selflessness

~~Holders of public office should~~ You must take decisions solely in terms of the public interest. ~~They should~~ You must not do so in order to gain financial or other material benefits for ~~themselves~~ yourself, ~~their~~ your family, or ~~their~~ your friends.

Integrity

~~Holders of public office should~~ You must not place ~~themselves~~ yourself under any financial or other obligation to outside individuals or organisations that might influence ~~them~~ you in the performance of ~~their~~ your official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, ~~holders of public office should~~ you must make choices on merit.

Accountability

~~Holders of public office~~ You are accountable for ~~their~~ your decisions and actions to the public and must be available for scrutiny as appropriate to your office ~~submit themselves to whatever scrutiny is appropriate to their office.~~

Openness

~~Holders of public office should~~ You must be as open as possible about all the decisions and actions that ~~they~~ you take. ~~They~~ You should give reasons for ~~their~~ your decisions and restrict information only when the wider public interest clearly demands.

Honesty

~~Holders of public office~~ You have a duty to declare any ~~private disclosable pecuniary or non-pecuniary~~ interests relating to ~~their~~ your public duties and ~~to~~ must take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

~~Holders of public office should~~ You must promote and support these principles by leadership and example.

Respect

Respect for others – ~~members should~~ you must promote equality by not discriminating unlawfully against any person, or organisation, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. ~~They should~~ You must respect the impartiality and integrity of the authority's statutory officers and its other employees.

V. Expectations of Conduct **Other Duties**

8. Members ~~shall~~ must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
9. Members ~~shall~~ must at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on

these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.

10. Members ~~shall~~must at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

11. Members must behave in accordance with the Council's legal obligations, including all policies, strategies, protocols and procedures.

VI. Rules of Conduct

124. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that ~~you~~:

~~(1) Do treat others with respect and courtesy, including other Councillors. Members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.~~

(1) Do You must not -

(a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be -

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(2) Do You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

Do be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.

(3) Do You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -

(i) you have the consent of a person authorised to give it;

- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is -
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority

(4) **Do-You must not** prevent another person from gaining access to information to which that person is entitled by law.

(5) **Do-You must not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

132. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others, and Members are informed that ~~you~~:

(1) **Do-You must** act in accordance with the authority's reasonable requirements including the requirements of the authority's ICT Policy and the policies listed – Internet and Email Acceptable Usage Policy; RBC ICT Security Policy and other related policies which you are deemed to have read:

- Civic Protocol relating to general Standards issues
- Anti Fraud and Corruption Strategy
- Whistleblowing Policy
- Anti Bribery Policy and Procedure
- Equalities Policy
- Child Protection Policy
- Harassment and Bullying incorporating Dignity at Work
- Protocol on Member/Officer Relations
- Members' Planning Code of Good Practice

(2) **Do-You must** make sure that such resources are not used improperly for political purposes (including party political purposes); and

(3) **Do-You must** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(4) **Do-You must not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.

143. Members shall observe the following rules when making decisions on behalf of or as part of the Authority, and Members are informed that ~~you~~:

(1) **Do-You must** have regard to any relevant advice provided to you by the Council's chief financial officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.

(2) **Do-You must** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

VII. Registration and Declaration of Interests

154. Members ~~shall~~must fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

VIII. Duties in respect of the Authority's Standards ~~and Governance Committee~~Panel and the Monitoring Officer

165. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards ~~and Governance Committee~~Panel and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.

176. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.

187. No Member shall lobby a member of the Authority's Standards ~~and Governance Committee~~Panel in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

Registration, Disclosure and Duties on Interests Held by Members and Co-opted Members of Rossendale Borough Council

I. Registration of Interests

- **Do** fulfil the requirements of the law and the Council/Authority in registering your interests in the Register of Members' Interests. These are explained on the following pages.
- **Do** draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Council/Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member.
- **Do** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation.
- Any interests notified to the Monitoring Officer will be included in the register of interests. The register will be available for public inspection and will be published on the Council's website.
- Where the Monitoring Officer agrees that disclosure of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest will be classed as sensitive and the register will state you have an interest, the details of which are withheld (both the website information and the public copy which is available for inspection).

Explanation of the terms used in this section:

the Act means the Localism Act 2011;

body in which the relevant person has a beneficial interest means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

director includes a member of the committee of management of an industrial and provident society;

land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

M means a member of a relevant authority;

meeting means any meeting of the Council, the Cabinet, any of the Council's or Cabinet's committees, sub-committees, joint committees, joint sub-committees, or area committees;

member includes a co-opted member;

relevant authority means the authority of which M is a member;

relevant period means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

relevant person means M or any other person referred to in section 30(3)(b) of the Act;

securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

1.1 You must, within 28 days of your election or appointment to office as a member or co-opted member, notify the Council's Monitoring Officer in writing of any disclosable interests you have. Disclosable interests may be pecuniary or non-pecuniary.

1.2 You must notify the Council's Monitoring Officer in writing within 28 days of becoming aware of any changes to a disclosable interest previously notified or of any new disclosable interest not previously notified.

1.3 If a disclosable interest, has not been entered onto the Council's register, then the member or co-opted member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest and where the matter is not a 'sensitive interest'.

1.4 Following disclosure of a disclosable interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

1.5 You must disclose any disclosable interest at the beginning of any meeting or decision making session at which a matter relevant to your interest is considered.

1.6 Unless dispensation has been granted by the Conduct Committee, you may not participate in any discussion of, vote on, or discharge any executive or nonexecutive function related to any matter in which you have a disclosable pecuniary interest.

1.7 It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election or appointment;
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part A: Disclosable Pecuniary Interests

As required by the Regulations of the Localism Act 2011.

Disclosable pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate Tenancies

Any tenancy where (to M's knowledge):

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where:

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either:

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Part B: Other Pecuniary Interests

Other financial interests (if any) that would qualify as grounds for bias in an application to quash a decision of the Authority as required by the Regulations of the Localism Act 2011.

Part C: Other Non-Pecuniary Interests

Disclosable non-pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest. Other interests that would qualify as grounds for bias in an application to quash a decision of the Authority as required by the Regulations of the Localism Act 2011.

Interest

Description

Outside Bodies

Any position of general control or management, or membership of any body, including where you have been nominated to that body by the Council

Gifts and Hospitality

Any person or body from whom you have received a gift or hospitality with an estimated value above £25 (see Part D)

Part D: Register of Gifts and Hospitality

- You must register any gifts or hospitality worth £25 or over.
- You must also register the donor (for example, the person, company or body) of the gift or hospitality.
- You only have to register gifts that you receive in connection with your official duties as a member. You do not have to register other gifts and hospitality, such as birthday gifts from family.
- Ask yourself “Have I been given this because I am a member?” If the answer is “yes” then you must register the item.
- You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £25 or more.
- You must register the gift or hospitality and its donor within 28 days of receiving it, and if an accumulation, when it gets to £25
- You will have a **personal interest** in a matter if it relates to, or is likely to affect, the donor of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the donor and how the business under consideration relates to that donor. You must then decide whether that interest is also a prejudicial interest.
- If more than three years have passed since you registered the gift or hospitality, you will no longer have to declare a personal interest in a matter that relates to or is likely to affect the donor.
- If you do not know the value of a gift it is good practice to register it anyway
- You may also wish to register gifts or hospitality you do not accept, as a matter of good practice.
- Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.
- You do not have to register the interests of the donor of the gift or hospitality but should register any gift or hospitality worth £25 or over, received in connection with your official duties, and the donor of that gift or hospitality.
- You have to register gifts or hospitality from Council-owned companies as wholly-owned companies are separate bodies from the authority.
- There are no special rules for those who serve as mayor or chair of an authority.
- Gifts that are clearly made to the authority do not need to be registered.
- Gifts made directly to a mayor or chair’s charity appeal also do not need to be registered.
- There is no requirement under the Code to register hospitality, if that hospitality has been extended to the office holder for the time being rather than the individual.

A failure to notify the Monitoring Officer of any gifts and/or hospitality over the value of £25 is a breach of the Council's Code of Conduct.

However, where you consider that disclosure of the details of any gift or hospitality could lead to you, or a person connected with you, being subject to violence or intimidation the Monitoring Officer may agree to exclude from the Council's register such details as considered appropriate and that information will not be included on the Council's register.

II. Disclosure and Duties in Respect of Interests Held by Members

1. Declaration of interests not included in the Register

1.1 Do ensure, if you have an interest that is not entered in the authority's register, that

- (i) where you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, you disclose the interest to the meeting (unless the authority's monitoring officer considers that it is a sensitive interest); and
- (ii) you notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)

1.2 **Do** then act accordingly.

2. Disclosable Pecuniary Interests

2.1 **Do** ensure, where you

- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, that you
 - **do not** participate, or participate further, in any discussion of the matter at the meeting; and
 - do not participate in any vote, or further vote, taken on the matter at the meeting, and
 - leave the room whilst any discussion or voting takes place

2.2 **Do** ensure, where you

- (i) are to discharge a function of the authority acting alone, and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function that you
 - **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

2.3 **Do** make a written request made to the proper officer of the authority if you consider it appropriate that the Authority grant a dispensation relieving you from either or both-all of the restrictions in paragraph 2.1

2.4 **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act (as outlined here) is a criminal offence.

3 General

3.1 **Do** act in accordance with the Authority's standing orders (Procedure Rules) where you

- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

3.2 **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

3.3 Subject to you disclosing and interest at a meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of the Council in respect of:

- housing, where you are a tenant of a local authority provided that those functions do not relate particularly to your tenancy or lease;
- an allowance, payment or indemnity given to members;
- any ceremonial honour given to members, and
- setting council tax or a precept under the Local Government Finance Act 1992.

3.4 Where, as an executive (Cabinet) member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer in writing of the interest and must not take any steps in the matter, or seek improperly to influence a decision about the matter.

11. WORKING GROUPS

LOCAL PLAN STEERING GROUP

Number of councillors: 7

Quorum: 3

Composition

- That membership of the Local Plan Steering Group should be based on the political balance of the Council.
- The composition of the group should include the Portfolio Holder covering planning and the Chair of Development Control Committee.

Terms of Reference

- To make recommendations on the content of the Local Plan to officers prior to consideration of the plan by Council.
- To act as a mechanism for keeping members of political parties informed of progress in Local Plan preparation including through circulation of minutes.
- To consider the appropriateness of the evidence base and to provide comments as necessary on particular documents.
- To provide member input to comments made on behalf of the Council to Government, statutory bodies and neighbouring authorities on planning issues.
- Any other matters as may be necessary to require the effective and timely preparation of the Local Plan.