

Subject:	Constitution Review		Status:	For Publication	
Report to:	Governance Working Group Council		Date:	25 th May 2017 12 th July 2017	
Report of:	Monitoring Officer		Portfolio Holder:	Regulatory 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>Council agree the changes to the Constitution as follows:</p> <ul style="list-style-type: none"> - Article 2 - 2.07 Member Champions – detailed at Appendix A - Terms of Reference of the Council – elections and electoral registration matters – detailed at Appendix B - Car Mileage Allowances – detailed at Appendix C

2. PURPOSE OF REPORT

- 2.1 To amend the following:
- the wording under article 2 at 2.07 following confirmation of changes to the Member Champions.
 - the Terms of Reference of the Council in relation to elections and electoral registration matters at 4.23.
 - Car Mileage Allowance rates for elected members as detailed in part 6.

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 2 - Article 2 Member Champions

- 5.1 Members are asked to agree changes to the wording under Article 2 at 2.07 following changes to Member Champions.
- 5.2 The Tourism Champion has been replaced by a Flood Champion and the Younger

People's Champion has been replaced by an IT Champion.

5.3 The amended Constitution wording is detailed in Appendix A.

Part 3 – Terms of Reference of the Council

5.4 Members are asked to agree changes to 4.23 p) relating matters decided by Full Council in relation to elections and electoral registration matters.

5.5 Section p) relates to the determination of fees and conditions for the supply of copies of, or extracts from election documents.

5.6 It is proposed to remove p) from the Constitution since this is set in legislation as detailed in Representation of the People (England and Wales) Regulations 2001: Part 7: 117 regarding the sale of registers and also Representation of the People (England and Wales) Regulations 2001: Part 7:120 regarding calculating fee for the supply of marked registers.

5.7 The amended section is detailed at Appendix B.

Part 6 – Car Mileage Allowances

5.8 The car mileage allowances for members is the same as those for officers as detailed in the Travel at Work Policy and Subsistence Guidance (TAWP).

5.9 The wording in the Constitution needs amending to bring it in line with the current rates paid, as the higher rate for cars over 1000cc is no longer paid.

5.10 As the amendment is also part of the Members' Allowances Scheme, consultation has taken place with members of the Independent Remuneration Panel who have also recommended these changes.

5.11 The amendments are detailed at Appendix C.

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, Independent Remuneration Panel and the Governance Working Group.

8.2 The Governance Working Group met on 25th May 2017 and made the following recommendation to Council:

That the Governance Working Group recommends Council to amend the Constitution by agreeing to the following amendments to:

- Article 2 – 2.07 Member Champions – Appendix A.
- Terms of Reference of the Council – elections and electoral registration matters – Appendix B.
- Car Mileage Allowances – Appendix C.

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

Article 2 – Members of the Council

Part 2 page 8

2.07 The Council shall appoint the following Controlling Member Champions from amongst its Members:

Heritage and Design Champion, Armed Forces Champion, ~~Tourism-Flood~~ Champion, Equalities Champion, ~~Younger People's~~IT Champion and Older People's Champion.

4. Terms of Reference of the Council

Part 3 page 35

4.23 The following functions in relation to elections and electoral registration matters:

- a) the appointment of an electoral registration officer
- b) the assigning of officers in relation to requisitions of the registration officer
- c) parishes and parish councils
- d) the dissolution of small parish councils
- e) orders for grouping parishes, separating and dissolving groups
- f) the appointment of the returning officer for local elections
- g) the provision of assistance at European Parliamentary elections
- h) the division of the constituency into polling districts
- i) the division of electoral divisions into polling districts (local elections)
- j) powers in respect of the holding of elections
- k) the payment of expenses properly incurred by electoral registration officers
- l) the filling of vacancies in the event of insufficient nominations
- m) duty to declare vacancy in office in certain cases
- n) duty to give public notice of a casual vacancy
- o) making temporary appointments to parish councils
- ~~p) the determination of fees and conditions for the supply of copies of, or extracts from, election documents~~
- q) power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000

2. Car Mileage Allowances

Part 6 page 260

2.1 Entitlement and Rates

2.1.1 A car mileage allowance is payable for members required to use a car in the execution of their duties outside the borough, ~~the level of which depends upon the engine size~~. The rate of payment for mileage undertaken for an approved duty outside the borough is the same as that for officers with ~~casual~~ approved car user status.

2.1.2 The following rates apply:-

	451—999 cc	1,000 cc or greater
Per mile first	46.9p	52.2p
8,500 <u>4,000</u>		
<u>Over 4,000 miles</u>	<u>13.7p</u>	

(Figures last revised ~~1st April 2014~~ 12th April 2013)

2.1.3 For the current rates refer to ~~Personnel Circular 28, Car Allowances~~ the Travel at Work Policy and Subsistence Guidance (TAWP) 2013 or refer to The National Joint Council for Local Government Services or the Council's People and Policy Team. ~~The Council has, by Resolution, restricted its mileage rate to the two lowest rates.~~

~~2.1.4 Members should ensure that claims for cars with a "1000" (cc) engine actually are that capacity (or greater) as this is the point at which a higher rate is paid. Check your vehicle registration sheet ("log book") and car manual and enter the exact cubic capacity.~~