

Subject:	Constitution Review		Status:	For Publication	
Report to:	Governance Working Group Council		Date:	14 th September 2017 4 th October 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	
Contact Officer:	Carolyn Sharples		Telephone:	01706 252422	
Email:	carolynsharples@rossendalebc.gov.uk				

1.	RECOMMENDATIONS
1.1	That Council agree the changes to the Constitution as detailed in Appendix A and Appendix B.

2. PURPOSE OF REPORT

- 2.1 To consider changes to the Constitution as detailed in section 5 and Appendices A and B with regards to:
- Article 6 Regulatory Committees and Terms of Reference of the Licensing Committee.
 - Article 9 The Standards Panel.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following of the Council's corporate priorities:
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.

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 Page 17 – Article 8 – Regulatory Committees and Part 3 Page 40 Terms of Reference of the Licensing Committee

- 5.1 At present the Constitution details that the Council will appoint a Licensing Committee of eleven members, each member representing a different ward.
- 5.2 As there are 14 wards it is not possible to have someone from each ward. In addition members are appointed by their political groups on suitability to the role rather than on ward membership, therefore this is not possible (even though membership from all the different areas of the borough is important e.g. Haslingden area, Rawtenstall area, Bacup

area, Whitworth area etc).

- 5.3 It is therefore proposed to delete the reference to a member from each ward.
- 5.4 Additional wording also needs including to clarify the different types of sub-committees required by legislation and under what circumstances substitutes can be used.
- 5.5 This is because policy decisions relating to the Licensing Act 2003, can only be made by the appointed Licensing Committee members (statutory licensing committee) and substitutes are not permitted for such decisions under the Act. This relates to decisions concerning alcohol licensing, entertainment licensing and late night refreshment licensing. Similarly, membership of any sub-committee convened for a hearing on anything relating to the Licensing Act 2003 must only be taken from the statutory Licensing Committee.
- 5.6 Any other decisions made in relation to policies, or decisions made in relation to taxi licensing or street trading licences etc., can be dealt with by a non-statutory committee for which substitutes are permitted, so long as they have undertaken relevant training and kept their training up to date.
- 5.7 This non-statutory committee can be the same membership as the statutory committee, as is the case here at Rossendale. However this distinction needs to be made clearer in both part 2 and 3 of the Constitution to avoid confusion and to clarify the circumstances under which substitutes can be permitted.
- 5.8 Appendix A details the proposed changes.

Part 2 Page 17 Article 9 – The Standards Panel

- 5.9 With the introduction of the Localism Act 2011 it was originally anticipated to appoint three Standards Independent Persons. The Council appointed one person to this position in 2012 with a view to reviewing whether the additional positions were required.
- 5.10 Members are asked to consider amending the wording at this section to one Independent Person, as there is not enough work in this area to warrant more than one person.
- 5.11 Appendix B details the proposed changes.

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.

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	https://www.rossendale.gov.uk/downloads/download/10710/constitution

Part 2 Page 17 - Article 8 – Regulatory Committees

8.01 Regulatory Committees

The Council will appoint:

2. A statutory Licensing Committee and a non-statutory Licensing Committee of eleven members, ~~the membership of each of these committees will be the same eleven memberseach Member representing a different ward.~~
 - The purpose of the statutory committee is to deal with decisions in relation to the Licensing Act 2003. Any sub-committees convened to deal with hearings relating to the Licensing Act 2003 will comprise of 3 members of the statutory committee. No substitutes are permitted on the statutory committee or a sub-committee convened for the above purposes. No member may serve on the statutory Licensing Committee who has not undertaken the appropriate training in order to take part in thise committee's work.
 - The purpose of the non-statutory committee is to deal with all other licensing decisions which do not relate to the Licensing Act 2003. No member may serve on the non-statutory Licensing Committee who has not undertaken the appropriate training in order to take part in thise committee's work.

Part 3 Page 40 – Terms of Reference of the Licensing Committee

To deal with the following items via a politically balanced sub-committee (panel of 3 members), except those matters which are delegated to the Council and/or Officers:

- Taxi Licence Applications (non-statutory committee)
- Premises Licences (statutory committee)

Sub-committees will be made up of Licensing Committee members, or if substitutes are required (on the non-statutory committee only), any other member may substitute by agreement with the Chief Executive that the member has undertaken the necessary training to take part in the committees work. The Vice-chair of the Licensing Committee will act as the chair person for all Licensing Sub-Committee meetings, otherwise the Chair of Licensing will fulfil this role where available. They will automatically chair the sub-committees without the need to be formally appointed as the chair person.

Article 9 – The Standards Panel, Appointment and Appeals Committee and Audit and Accounts Committee

9.01 Standards Panel

The Council will have a Standards Panel of ~~twelve~~nine Members, comprising seven Elected Members, ~~three Independent Persons (appointed by Council) and~~ two Whitworth Town Council Members (appointed by Whitworth Town Council), in addition to one Independent Person (appointed by Council).

The Council will set up Standards Sub-Committee Panels consisting of three members of the Standards Panel for dealing with the local assessment of complaints against Members.

No person may serve on the Standards Panel or its Sub-Committee Panels as a Member or Substitute Member who has not undertaken the appropriate training in order to take part in the panel's work.