

**APPENDIX 1**

**ROSSENDALE BOROUGH COUNCIL**

**PROPOSALS FOR EXECUTIVE ARRANGEMENTS  
FOR SUBMISSION TO THE OFFICE OF THE DEPUTY PRIME  
MINISTER**

**LOCAL GOVERNMENT ACT 2000**

**LOCAL AUTHORITIES (CHANGING EXECUTIVE ARRANGEMENTS  
AND ALTERNATIVE ARRANGEMENTS) (ENGLAND) REGULATIONS  
2001**

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## 1. INTRODUCTION

The Borough of Rossendale is in south east Lancashire and covers an area of approximately 140 square kilometres. The development of Rossendale has been dictated by its geography, its natural resources, and its response to commercial and industrial opportunities. Many of the communities, which make up the District stand at the foot of the valleys that cut through the picturesque fells and moorland, characterising much of the Borough.

Rossendale's "golden valley" was built up from its textile heritage and through the manufacture and export of footwear – primarily slippers. The four towns of the Borough represent the gateways between the industrial towns of east Lancashire to the north and the City of Manchester, only 29 kilometres (18 miles) to the south. Rossendale has a population of 65,000, 3.5 per cent of which are from a minority ethnic background.

The population density of 470 people per square kilometre contrasts markedly with that of bordering authorities to the south – such as Bolton, Bury and Rochdale, which have a population density three times greater – and Burnley, Hyndburn and Blackburn to the north and west which are twice as densely populated.

Although the rural nature of Rossendale offers a sharp contrast to its urban neighbours, its strategic location has provided it with good links to the road network. The A56(T), a dual carriageway link between the M66 in the south of the Borough and the M65 to the north, has been the catalyst for a new era of business development in the west of the Borough.

The Council have drawn up and approved these proposals for Executive arrangements, following a public consultation exercise with its electors and other interest persons. Details of the public consultation exercise are contained in the consultation statement.

- 1.1 The Council have drawn up and approved these proposals for executive arrangements, following a public consultation exercise with its electors and other interested persons.
- 1.2 The Council approved these proposals for submission to the Office of Deputy Prime Minister at a meeting on 13th July 2005.
- 1.3 The Council's Executive Arrangements including Overview and Scrutiny, Regulatory and Standards Committees are outlined at Appendix A and have been designed to ensure that the Council can perform its functions efficiently, effectively and economically and to assist the Council to achieve its duty of Best Value (i.e. the continuous improvement in the way in which the Council's functions are exercised).
- 1.4 The Council have consulted its electors and other interested persons in accordance with Section 25(2) of the 2000 Act. Details of the consultation exercise are contained in the accompanying Consultation Statement. The Council has had due regard to this consultation exercise and the requirements of the 2000 Act and other legislation.
- 1.5 The Council will prepare and adopt a Constitution under Section 37 of the 2000 Act, before implementing these executive arrangements. The Constitution will set out the details of how the Council will operate the executive arrangements, how decisions are to be made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.

- 1.6 The Constitution will also include measures to ensure probity and high ethical standards in a rigorous and fair way, in accordance with the provisions of Part III of the 2000 Act.
- 1.7 Some of the above processes are required by law, while others are matters for the Council to choose.

## 2. **CONSULTATION ARRANGEMENTS**

2.1 A Consultation Statement relating to the consultation exercise is enclosed with these proposals in accordance with Section 25 (7) of the 2000 Act.

2.2 The Statement describes:-

- The steps which the Council took to consult the Local Government electors for, and other interested parties in the Council's area; and
- The outcome of that consultation and the extent to which that outcome is reflected in the proposals.

### 3. THE EXECUTIVE

#### 3.1 Leader and Executive

##### 3.1.1 Form and Composition

The executive will consist of the leader together with five Councillors appointed to the executive by the Council.

##### **Leader**

The leader will be a Councillor elected to the position of leader by the Council. The leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor; or
- (d) the date of the next Annual General meeting at the end of the Municipal Year, save that the Council may by resolution remove the leader from office at an earlier date.

##### **Other executive members**

Only Councillors may be appointed to the executive. There may be no co-optees and no deputies or substitutes for executive members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to the executive and members of the executive (including the leader) may not be members of an overview and scrutiny committee.

Other executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) they are removed from office, either individually or collectively, by resolution of the Council.
- (e) the date of the next Annual Council Meeting at the end of the Municipal Year

### 3.2 **Role of the Executive**

The Executive will carry out all the local authorities functions which are not the responsibility of the Council whether by law or under these executive arrangements. The Executive, in exercising these functions will do so within the policy framework and budget set by the full Council in accordance with these arrangements. The Executive also has a key role in proposing the budget and policy framework to the Council. The Executive and its members will lead the community planning process and the drive for Best Value, lead the preparation of the Council's policies and budget, take decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs. The Executive will also respond to any recommendations and reports from the Overview and Scrutiny Committees, and the Standards Committee.

The following portfolios have been allocated:-

HR and Member Development

Regeneration

Finance and Risk Management

Street Scene and Liveability

Housing

Customer Services

### 3.3 **Functions of the Executive**

The Executive will have all those functions assigned to it by law and also those local choice functions assigned to the Executive in Section 4 of these Proposals.

### 3.4 **Delegation of Executive Functions**

The Scheme of Delegation of executive functions an individual member of the executive or an officer will be determined by the Executive, and will be contained in the Constitution. If and to the extent that any executive functions are not included in the delegation scheme then the Leader may arrange for the discharge of those functions under Section 10 (3) of the 2000 Act subject to review by the full Council at the next Annual Council meeting. Currently there are no proposals to delegate any executive functions to executive members.

### 3.5 **Proceedings of the Executive**

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules to be set out in the Constitution.



### 3.6 Executive Decisions

Decisions of the Executive are subject to ‘call-in’. No executive decisions will take effect until after five working days have elapsed since the date of the decision or where the decision has been called in, until the matter has been resolved in accordance with the detailed call-in procedure, to be included in the Constitution, except in cases of urgency where the Chairman of the relevant Scrutiny Committee has indicated that he or she is content that the decision takes effect.

### 3.7 The Forward Plan

A Forward Plan setting out details of key decisions which it is known are due to be taken by the Executive over a four month period will be prepared and made available for inspection and widely publicised. The Plan will be updated on a monthly basis and a notice will be published in a newspaper annually, giving notice of when forward plans will be published for the forthcoming year, explaining what a forward plan is and how it can be obtained. The Plan will be published on the Council’s Web Site.

A key decision will be one that either:-

- a) is, in value worth more than £100,000, or
- b) has a **significant impact** because (for example) it either:
  - (i) affects individuals or organisations outside the Borough;or
  - (ii) will have a long term (more than 5 years) or permanent effect on the council or the borough

The Executive will not know about every key decision far enough in advance for it to be included in the Forward Plan. In such circumstances, the relevant Chairman of the Scrutiny Committee (or in his/her absence, the Vice-Chairman) will be informed and a copy of the relevant details will be supplied to the Members of the Overview and Scrutiny Committee at least three working days before the decision can be taken.

In cases of special urgency where a key decision is required at short notice, a decision can be made and acted upon, but only with agreement of the Chairman of the relevant Scrutiny Committee (or in his/her absence the Vice Chairman) or the Chairman of the Council, who must agree that the matter is urgent and cannot reasonably be deferred.

#### 4. RESPONSIBILITY FOR FUNCTIONS

##### 4.1 Responsibility for Local Choice Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended by the Local Authorities (Functions and Responsibilities) Amendment)(England) Regulations 2005 give effect to Section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the executive (the 'local choice functions') and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. These executive arrangements set out the allocation of local choice functions to make it clear which are:-:

- (a) the responsibility of the Council and/or its committees; or
- (b) the responsibility of the Executive; or
- (c) not, the responsibility of the Executive to a specified extent.

The tables below provide a means of meeting this requirement. Table 1 covers local choice functions. Table 2 covers functions which are not the responsibility of the Executive.

**Table 1**

<b>FUNCTION</b>	<b>DECISION MAKING BODY</b>
<b>1.</b> Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to The Local Authorities (Functions and Responsibilities) (England) Regulations as amended	Where it relates to an Executive function the Executive. Where it relates to a Council function the Council
<b>2.</b> The determination of an appeal against any decision made by or on behalf of the authority	Council via Appointments and Appeal Panel
<b>3.</b> The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive supported by O/S
<b>4</b> Any function relating to contaminated land.	Executive
<b>5.</b> The discharge of any function relating to the control of pollution or the management of air	Executive
<b>6.</b> The service of abatement notice in respect of a statutory nuisance	Executive

<b>7.</b> The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council
<b>8.</b> The inspection of the authority's area to detect any statutory nuisance	Executive
<b>9.</b> The investigation of any complaint as to the existence of a statutory nuisance	Executive
<b>10.</b> The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Where it relates to an Executive function the Executive. Where it relates to a Council function the Council
<b>11.</b> The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Where it relates to an Executive function the Executive. Where it relates to a Council function the Council
<b>12.</b> The making of agreements for the execution of highways works	Executive
<b>13.</b> The appointment of any individual – (a) to any office other than an office in which he or she is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment.	Council
<b>14.</b> The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities	Where it relates to an Executive function the Executive. Where it relates to a Council function the Council

## 4.2 Responsibility for Council Functions

**Table 2**

<b>Committee</b>	<b>Membership</b>	<b>Functions</b>	<b>Delegation of Functions</b>
Development Control Committee	11 Members of the authority	Planning and conservation Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (“the Functions Regulations”)	Functions which are delegated, to an officer, and the limits on that delegation will be included in the Constitution.
Licensing Committee	15 members of the authority	<ul style="list-style-type: none"> <li>• Waste Management Licences</li> <li>• Stage Play Licences</li> <li>• Places of Public Entertainment</li> <li>• Public Outdoor Entertainment</li> <li>• To raise objections to applications for licensed premises</li> <li>• Sale of intoxicating liquor and inspection of premises</li> <li>• Licences for House to House and Street Collections</li> <li>• Licensing of Hackney Carriage/Private Hire – Operators, Drivers and Vehicles</li> <li>• Lotteries, Amusements Act and Gaming Licences</li> <li>• Pet Shops Licences</li> <li>• Animal Boarding Establishment Licences</li> <li>• Guard Dog Licences</li> <li>• Game Dealers Licences</li> <li>• Scrap Metal Dealers Licences</li> <li>• Rag Flock and other materials Act</li> <li>• Riding Establishment Licences</li> <li>• Breeding of Dogs Act Licences</li> <li>• Late night refreshment House Licence</li> <li>• Acupuncture</li> <li>• Tattooing, Ear Piercing and Electrolysis</li> <li>• Second Hand Goods Dealers</li> <li>• Theatres Act</li> <li>• Cinematograph Acts</li> </ul>	Functions which are delegated, to an officer, and the limits on that delegation will be included in the Constitution.

		<ul style="list-style-type: none"> <li>• Fire Safety and Safety at Sports Grounds</li> <li>• Licenses to Plant trees in highways</li> <li>• Licenses re Caravan Sites and Control of Development Act, 1964 /sections 44 and 45</li> <li>• Dangerous Wild Animals</li> <li>• Take Away Food Shops</li> <li>• Liquor Licences (Liquor Licensing Act 2003)</li> </ul>	
Standards Committee	6 members of the authority other than the leader and 3 voting independent members and 1 whitworth town council member.	<p>The promotion and maintenance of high standards of conduct within the Council</p> <p>To advise the Council on the adoption or revision of its Code of Conduct</p> <p>To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000</p> <p>Assistance to members and co-opted members of the authority.</p> <p>To ensure that all Members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local Councillors under the Code.</p> <p>Other functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000</p> <p>To grant dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct.</p>	Functions which are delegated on to an officer and the limits on that delegation will be included in the Constitution

		<p>To consider all reports on Members' conduct whether from a Case Tribunal, an Adjudication Panel, or the Monitoring Officer (including those on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer) and make appropriate recommendations to Full Council.</p> <p>To consider Ombudsman Reports and to make payments or provide other benefits in cases of maladministration etc.</p> <p>Other functions delegated to the Committee by the Council in accordance with section 54(3) of the Local Government Act 2000, in accordance with any regulations made under that Act as set out in Section 9</p>	
Appointment and Appeals Panel	Panel of 5 Members drawn from the Council's 36 Members	To deal with a number of staffing issues including the recruitment of staff, or grievances disciplinary and redundancy cases, any other appeal or tribunal which needs to be considered by Members of the Council.	
Area Forums	Ward members	<p>The purpose of the Area Forums will be to:-</p> <ul style="list-style-type: none"> <li>• Enable the public to raise issues of local concern;</li> <li>• Help Councillors represent their constituents;</li> <li>• Enable the Council to explain how it provides services and to ask the public how they can be improved.</li> </ul>	

### 4.3 **Responsibility for Executive Functions**

The Executive will have all those Executive functions assigned to it by law and also those local choice functions assigned to the Executive in Table 1. The details of the allocation of executive responsibilities will be included in the constitution. This will include details of any delegations within the executive itself, and onward delegation to officers, area committees and joint arrangements. This will be kept up-to-date as delegations change so that an accurate record is always available in order for transparency to be maintained and accountability exercised.

## 5. THE FULL COUNCIL

### 5.1 Role of the full Council

The Council will be responsible for the determination of the Local Authority's policy framework and budget. The Council as a whole is also responsible for regulatory and other than non-executive functions and has a role in holding the executive to account.

#### 5.1.1 Meanings

**Policy Framework.** The policy framework means the following plans and strategies:-

those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (and any further or amendment regulations which may be made from time to time under Section 13 of the Local Government Act 2000) to be adopted by the Council:

- (a) Best Value Performance Plan  
Corporate Strategy  
Community Strategy  
Crime and Disorder Reduction Strategy  
Development Plan Documents  
Plans and alterations which together comprise the Development Plan  
A plan or strategy for the control of the authority's borrowing, investments or capital expenditure  
The strategy and plan which comprise the housing investment programme  
Local Agenda 21 Strategy  
Statement of Licensing Policy
- (b) those other plans and strategies which Government Guidance recommends should be adopted by the Council as part of the Policy Framework:
  - Council's Corporate Plan (if any)
  - Food Law Enforcement Service Plan;
  - The plan and strategy which comprise the Housing Investment Programme;
  - Local Agenda 21 Strategy;
- (c) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.
- (d) Any plan or strategy required by law to be sent to a minister of the Crown for approval.

**Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's



borrowing requirement, the control of its capital expenditure and the setting of virement limits.

**Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985. As the Council is an LSVT Authority the Council only has a small number of properties still within its Housing Revenue Account.

## 5.2 **Functions of the Council**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (No. 3272) (as amended from time to time), making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the leader and members of the executive;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting a scheme for Members allowances;
- (h) changing the name of the area, conferring the title of honorary alderman
- (i) appointment of the Head of Paid Service, Chief Finance Officer and Chief Officers and designating the Monitoring Officer and Proper Officers;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) adopting a Code of Conduct for Members;
- (l) all local choice functions set out in Section 4 which are not assigned to the Executive and which the Council decides should be undertaken by itself rather

than the executive; and not delegated to any of its committees of sub committees or officers;

- (m) taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-Committees or Officers;
- (n) all other matters which, by law, must be reserved to Council.

### **5.3 Council meetings**

There are three types of Council meeting:

- the annual meeting;
- ordinary meetings;
- extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules to be included in the Constitution.

### **5.4 Responsibility for functions**

The Council will maintain in its Constitution tables setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

### **5.5 Conflict Resolution**

The Council's Constitution will include a mechanism for resolving disputes between the Executive and the full Council in setting the budget and policy framework, which will incorporate the following features:-

- The Executive will have five working days to object to a full Council decision which is contrary to the Executive's proposal for either the budget or a plan or strategy before that decision takes effect;
- If the Executive registers such an objection the full Council must meet to reconsider the issue in light of the objection; and
- The full Council can insist on its decision by resolution of a simple majority of the Members present and voting.

### **5.6 Agreeing/Approving the Budget and Policy Framework**

The Executive will be responsible for implementing the Council's policies and spending the budget in accordance with the Policy Framework and the Council's financial regulations. The Executive is also responsible for preparing the draft budget, plans and strategies for submission to the full Council to consider.

The Executive will adopt an inclusive approach to preparing the draft budget, plans and strategies and to policy development. It will ensure that Councillors outside the

Executive have the opportunity to put forward proposals to them for the budget or policy development and Scrutiny Committees will play an integral part in policy development. The Executive will consult such Committees regularly in the process of preparing the draft budget and draft plans and strategies and, and where appropriate, stakeholders.

After considering the Executive's proposals, the full Council has the power to:-

- Adopt or approve the draft budget, plan or strategy;
- Ask the Executive to reconsider it; or
- Amend the budget, plan or strategy itself.

The Executive supported by the Overview and Scrutiny Committees will be responsible for Best Value Reviews and overseeing the Best Value Review Programme.

## 6. OVERVIEW AND SCRUTINY COMMITTEES

### 6.1 Terms of reference

The Council will appoint the two overview and scrutiny committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

<b>Committee</b>	<b>Scope</b>
Performance Management Overview and Scrutiny Committee	<ul style="list-style-type: none"><li>• Review Programme</li><li>• Produce and implement a draft Code of Corporate Governance (which will be used as a framework to ensure that internal controls are robust).</li><li>• Consider and approve the Statement of Accounts</li><li>• Consider and respond to the Annual Audit letter</li><li>• Consider and respond to individual audit projects and reports from the external and internal auditors.</li><li>• Approve, consider and monitor the implementation of the Internal Audit Plan</li><li>• Review the Constitution</li><li>• Assist the Executive with Best Value Reviews</li><li>• Scrutinising decisions referred to it under the “Call in Procedure”</li></ul>
Policy Development	<ul style="list-style-type: none"><li>• Developing and reviewing such policy matters as the Committee itself feels are appropriate, in accordance with a Schedule of work which it should set at the beginning of each financial year end will help the Council achieve its Corporate priorities</li><li>• Developing and reviewing policy matters referred to it by the Executive Committee</li><li>• Dealing with other matters of local concern, eg. Services provided by the NHS or Lancashire County Council</li><li>• Liaising with other organisations and partners (such as eg. Rossendale Transport, Rossendale Groundwork)</li></ul>

### 6.2 Membership

Each Overview and Scrutiny Committee will consist of eleven Councillors and 2 co-optee members.

### 6.3 General role

Within their terms of reference, overview and scrutiny committees 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 full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy or area committees;
- (v) assist the Executive with Best Value Reviews.

## 6.4 Specific Functions

### 6.4.1 Policy development and review.

#### **The Policy Development Overview and Scrutiny committee may:**

- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### 6.4.2 Scrutiny.

#### **The Performance Management Overview and Scrutiny committee may:**

- (i) review and scrutinise the decisions made by and performance of the Executive and committees and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Executive and/or committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;

- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).
- (vii) Assist the Executive with Best Value Reviews under Section 3 Local Government Act 1992;

#### 6.4.3 **Finance.**

The Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.

#### 6.4.4 **Annual report.**

The Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### 6.5 **Proceedings of overview and scrutiny committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules to be set out in the Council's Constitution, including where necessary consulting other committees, stakeholders or community groups.

### 6.6 **Note:**

- Any Member of a Scrutiny Committee may ensure that any matter relevant to the remit of their Committee is placed on the Agenda and discussed at a meeting of that Committee;
- Each Scrutiny Committee will reflect the political balance of the Local Authority in accordance with the Local Government and Housing Act 1989;
- Scrutiny committees will meet in public, subject to the provisions in the Local Government Act 1972 where confidential or exempt information may be disclosed.
- Scrutiny Committees have the right to require Members of the Executive to appear before them and answer questions. This power does not relate solely to scrutiny of decisions taken and can also be used to ask an Executive Member, for example, about forthcoming issues;

### 6.7 **Key Functions**

A key function of all the Scrutiny Committees is to hold the Executive to account for the discharge of its functions. The Council's Constitution will provide for this with the following principal elements:-

- Scrutinising key decisions which the Executive is planning to take, as set out in the Forward Plan or of which proper notice is given;
- Scrutinising Executive decisions before they are implemented and if necessary using the ‘call-in’ mechanisms to require the decision taker to reconsider the earlier decision.
- Scrutinising Executive decisions after they have been implemented, as part of a wider policy review.

#### **6.8 Policy Development**

The Executive and the Council will consult the relevant Scrutiny Committee about issues and matters falling within the remit of that Committee and from time to time for carrying out policy reviews.

Policy reviews will often be on cross-cutting issues and will involve consulting stakeholders.

#### **6.9 Co-ordination of Scrutiny**

The Scrutiny Committees will prepare their work plan each year and update it regularly.

#### **6.10 Scrutiny Committee Rules**

The constitution will include procedures for the exercise of the call-in power relating to key decisions.

## 7. THE ROLE OF THE MAYOR

### 7.1 Ceremonial Role:

The Mayor is the Ceremonial Head of the Council and its representative at Civic and Social occasions. The role is separate from that of the Leader of the Council who speaks for the Council on all aspects of policy and executive business.

### 7.2 Chairing the Council Meeting

The Mayor (or in his absence, the Deputy Mayor) will be the person presiding over Council meetings.

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

- (i) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the Executive to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council;
- (vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and
- (vii) to undertake the statutory role relating to urgent decisions and urgent decisions contrary to the policy framework (in the absence of the Chair of the relevant Scrutiny Committee).

### 7.3 Apolitical Role

As a matter of local choice, the Mayor maintains an apolitical stance, especially when chairing Council meetings. The Mayor has the casting vote in the event of a tie at a Council meeting and the Mayor has complete freedom of conscience in exercising his votes and his casting vote.



## 8. **REGULATORY AND OTHER COMMITTEES**

### 8.1 **Non-executive Functions**

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, specify those functions which are not to be functions of the executive. Some of these non-executive functions are reserved to Council for a decision in Section 5. The remaining non-executive functions will be delegated to committees or sub-committees or officers in the Constitution as indicated below.

### 8.2 **Regulatory and other Committees**

The Council will appoint the committees set out in the left hand column of table 2: “Responsibility for Council Functions” in Section 4 to discharge the functions described in column 3 of that table.

## 9. **PROBITY AND HIGH ETHICAL STANDARDS**

9.1 The Council will in its Constitution ensure that measures for probity and high ethical standards are incorporated in a rigorous and fair way in accordance with Part III of the Local Government Act 2000.

### 9.2 **Standards Committee**

The Council will establish a Standards Committee.

### 9.3 **Composition**

#### 9.3.1 **Political Balance**

Standards committees do not have to comply with the political balance rules in section 15 of the 1989 Act.

#### 9.3.2 **Membership.**

The Standards Committee will be composed of:

- Six Councillors other than the leader;
- Three persons who are not Councillors or officers of the Council or any other body having a standards committee (an independent member);
- one member of Whitworth Town Council

#### **Independent members.**

Independent members will be entitled to vote at meetings;

#### 9.3.3 **Whitworth Town Council member.**

At least one Whitworth Town Council member must be present when matters relating to Whitworth Town Council or their members are being considered;

#### 9.3.4 **Chairing the Committee.**

A member of the executive may not chair the committee.

### 9.4 **Role and Function**

The Standards Committee will have the roles and functions as set out in the constitution.

9.5 The Council has designated the Head of Legal and Democratic Services as Monitoring Officer.

9.6 High ethical standards will be reflected in the rules for decision making, a protocol on member/officer relations and in Financial Regulations and Contract Standing Orders to be included in the Constitution.

9.7 The Council have a designated Monitoring Officer who will advise and support the Standards Committee and also advise on vires and lawfulness as well as probity.

9.8 **Members Allowances and Remuneration Panel**

9.9 The Council has established an independent Members' Allowances Remuneration Panel, which consists of non-councillors, appointed in accordance with the legal requirements. The Panel will consider proposals for the member's allowances scheme and make recommendations to the full Council.

10. **TIMETABLE FOR IMPLEMENTATION OF THE COUNCIL'S PROPOSALS**

The Council will implement its proposed executive arrangements, subject to no intervention by the Secretary of State on 1 October 2005.

11. **DETAILS OF TRANSITIONAL ARRANGEMENTS**

The Council has been operating a Pilot Executive arrangement since 1<sup>st</sup> April 2004 and will continue to do so until the new arrangements are adopted on 1<sup>st</sup> October.