

Subject:	Constitution Review		Status:	For Publication	
Report to:	Governance Working Group Council		Date:	6 th October 2016 14 th December 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
Contact Officer:	Carolyn Sharples		Telephone:	01706 252422	
Email:	carolynsharples@rossendalebc.gov.uk				

1.	RECOMMENDATIONS That Governance Working Group recommend Council to amend the Constitution by agreeing to:
1.1	Include the following wording at Part 2 Page 14 as recommended by the Audit and Accounts Committee and detailed at Appendix A: <ul style="list-style-type: none"> To ensure the identification of risk in any project the Council undertakes. In order to facilitate identification of risk, members will find a checklist in the Risk Management Strategy which can be found here: http://www.rossendale.gov.uk/downloads/download/210/other_financial_strategies
1.2	Grant a general dispensation to all members of the Council for a period of 4 years as detailed in Appendix B.

2. PURPOSE OF REPORT

- 2.1 To consider changes to the Constitution as detailed in Appendix A with regards to the identification of risk in the Portfolio Holder job descriptions.

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 Page 14 – Cabinet Member Role Descriptions

- 5.1 At the Audit and Accounts meeting on 15th March 2016 members recommended that the

checklists for risk assessment on projects be included in the job description of Portfolio Holders/Cabinet Members.

5.2 The generic section of the job description is detailed in part 2 of the Constitution and the full job descriptions are detailed on the Council web site.

5.3 Members are asked to amend the Constitution by adding the additional wording detailed at 1.1 and in Appendix A.

Part 3 Page 68 - Dispensations

5.4 The Council's Monitoring Officer is able to grant dispensations. This includes general dispensations relating to the setting of the Council's Budget and Council Tax.

5.5 A general dispensation was granted to all members of the Council for a period of 4 years from 12th December 2012 and is currently due for review.

5.6 It is recommended that a general dispensation be given for a further 4 year period as detailed in Appendix B. This will enable each member to participate in any discussion relating to the setting of the Council's budget and participate in the vote taken on the setting of the Council Tax.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 The changes recommended, particularly 1.1, will amongst other things, assist in mitigating financial risk and improving good governance.

7. MONITORING OFFICER

7.1 Changes to the Constitution in relation to risk management will assist with the Council's continuing commitment to governance improvements. All other 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	www.rossendale.gov.uk/constitution

Part 2 Page 14

ROLE

Members of the Cabinet have wide ranging leadership roles and will need to:

- lead the preparation of the Council's Budget and Policy Framework;
 - be the focus for developing and delivering through partnerships with other local public, private, voluntary and community sector organisations to address local needs;
 - ensure that the diverse needs of all groups and citizens are properly reflected in local strategies, plans and service provision;
 - commit to the delivery of fair and non discriminatory services to all members of the local community;
 - commit to upholding human rights and promoting equality of opportunity and good race relations;
 - present where appropriate reports to the various Overview and Scrutiny Committees;
 - represent the Council's view on portfolio issues at Council, Cabinet and where appropriate, Overview and Scrutiny meetings;
 - represent the view of the Council on matters of corporate or strategic policy as the lead Cabinet member, to the Government and to other bodies and organisations relevant to the Council's work;
 - participate as a member of any panel, task group or other Council forum as appropriate;
 - promote key projects and initiatives within the portfolio locally, regionally and nationally;
 - participate in local consultative arrangements and actively engage in communication and dialogue with any bodies and organisations involved in portfolio issues;
 - have a responsibility for any functions delegated to the Cabinet as a whole.
- To ensure the identification of risk in any project the Council undertakes. In order to facilitate identification of risk, members will find a checklist in the Risk Management Strategy which can be found here:
http://www.rossendale.gov.uk/downloads/download/210/other_financial_strategies

Part 3 Page 68

5.6 The Monitoring Officer is able to grant dispensations:

This includes general dispensations relating to:

- a) any allowance payment or indemnity granted to a member.
- b) setting the Council Tax or a precept under the Local Government Finance Act 1992.

(A general dispensation has been granted to all members of the Council for the period of four years from 14th December 2016~~12th December 2012~~).